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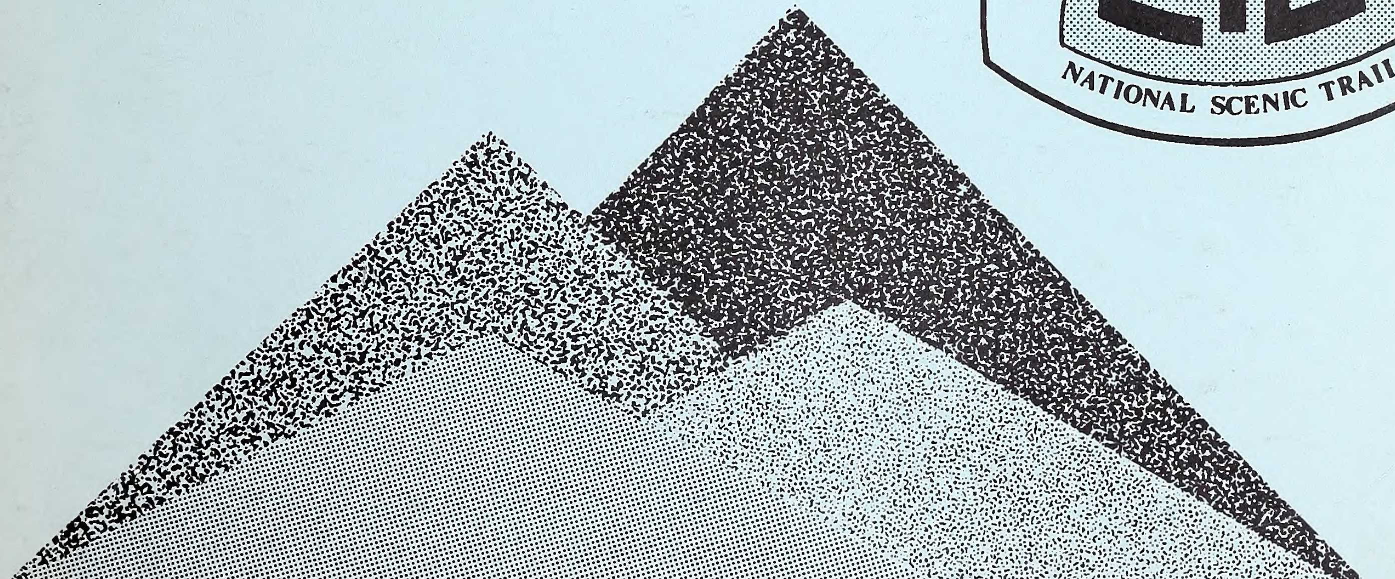
THE CONTINENTAL DIVIDE

National Scenic Trail

COMPREHENSIVE PLAN

10/31/01

CONTINENTAL DIVIDE TRAIL
NATIONAL SCENIC TRAIL



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CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL

COMPREHENSIVE PLAN

Approved
Chief, USDA, Forest Service

11/6/85
Date

Prepared by: USDA, Forest Service
Rocky Mountain Region

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CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL
COMPREHENSIVE PLAN

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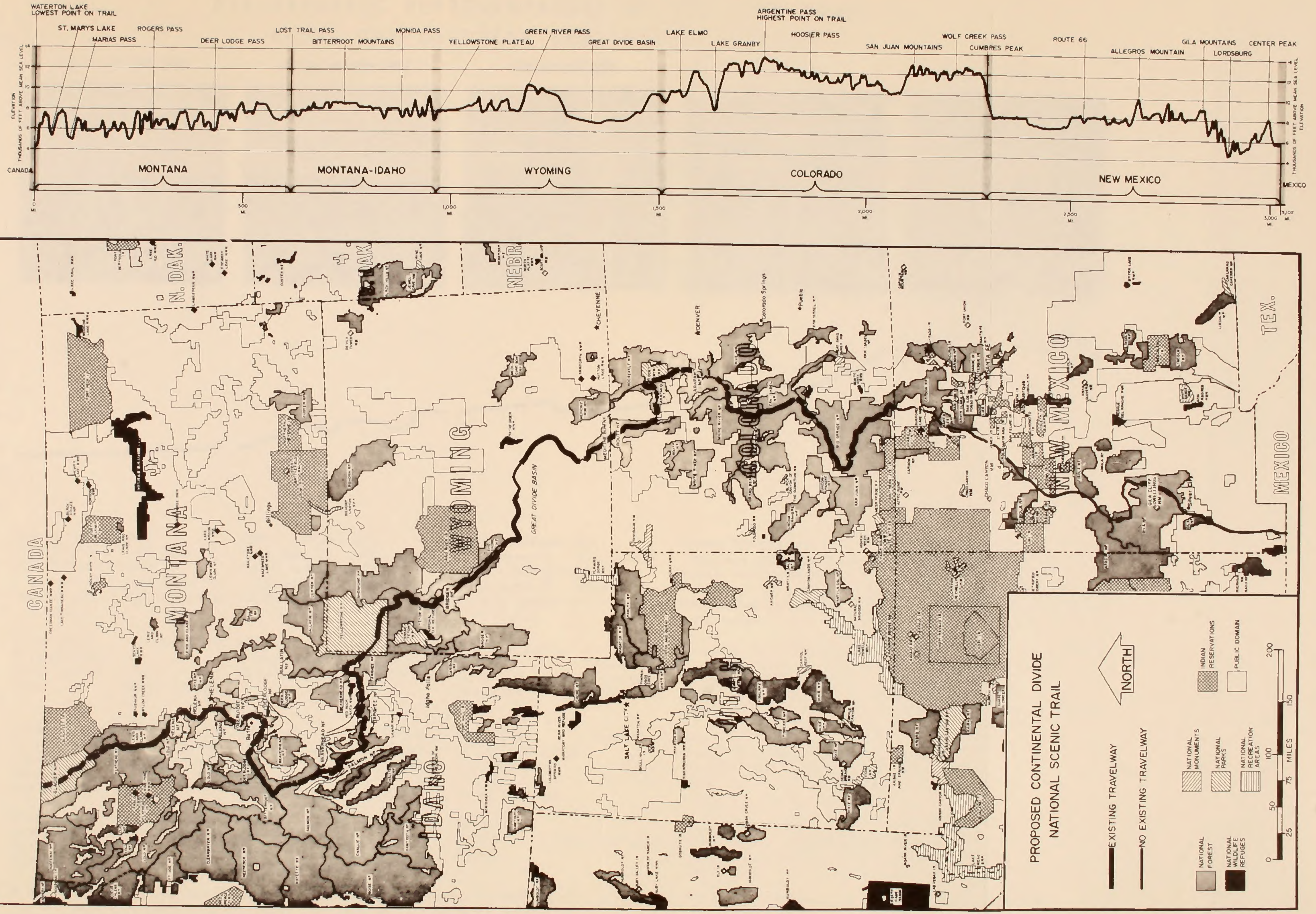
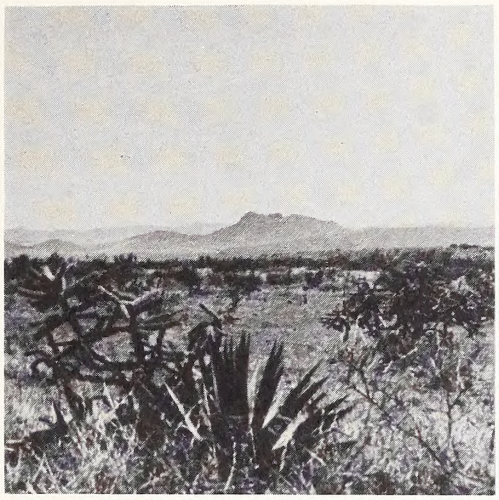
CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL CORRIDOR

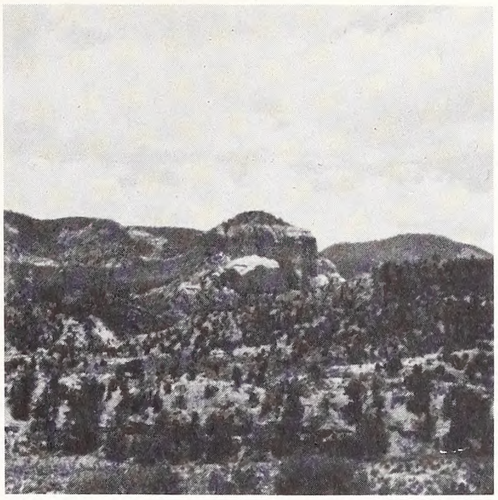


DIAGRAMMATIC REPRESENTATION
ALONG THE SOUTHERN CONT

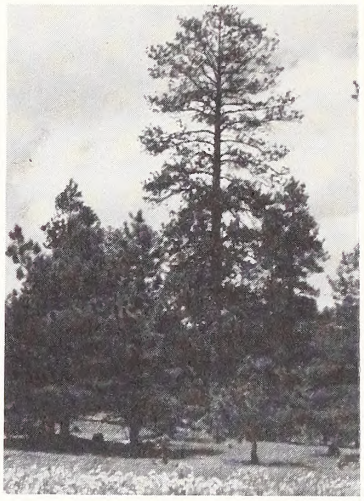
LOWER SONORAN ZONE

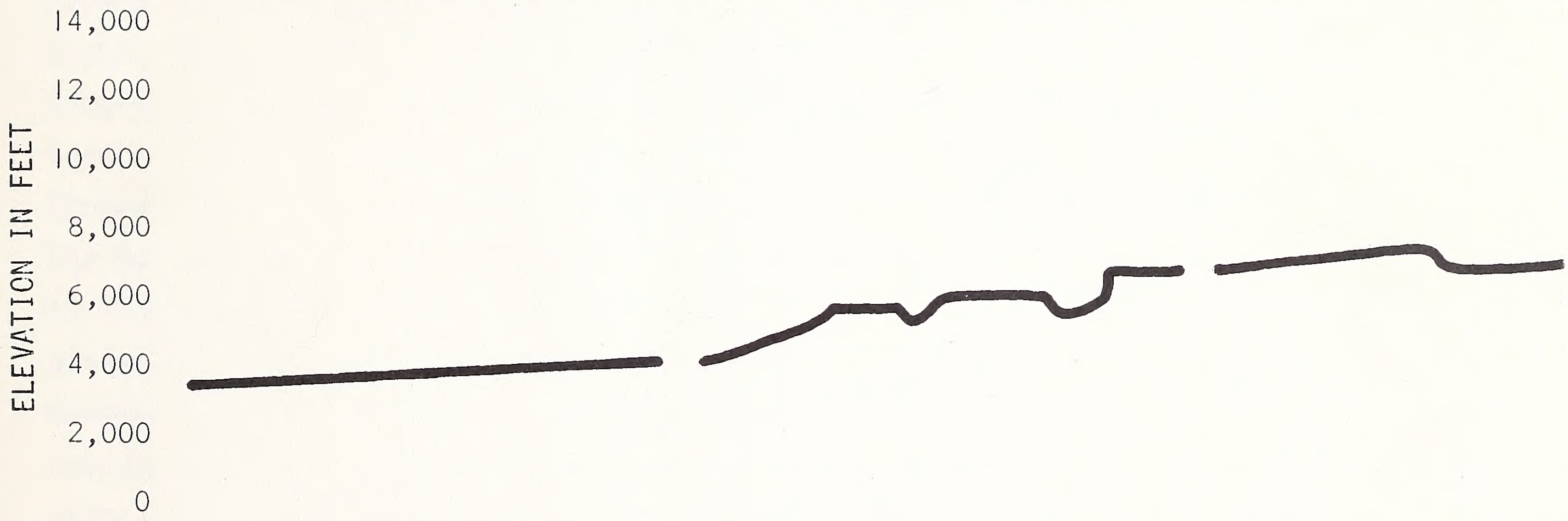


UPPER SONORAN ZONE



TRANSITION ZON



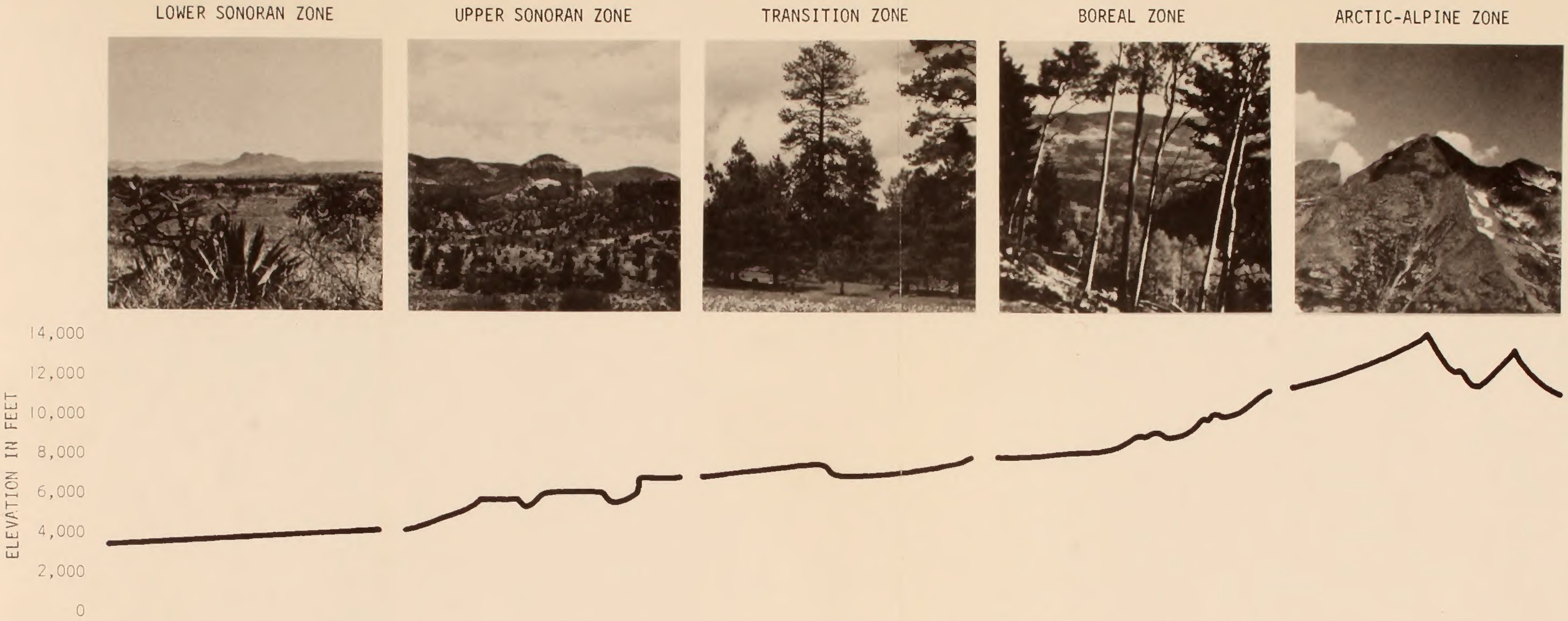


	LOWER SONORAN ZONE	UPPER SONORAN ZONE	TRANSITION ZON
CLIMATE	SUMMER TEMPERATURES Maximum--101 Minimum--72 WINTER TEMPERATURES Maximum--67 Minimum--39 AVERAGE ANNUAL PRECIPITATION 9 inches	SUMMER TEMPERATURES Maximum--97 Minimum--70 WINTER TEMPERATURES Maximum--65 Minimum--26 AVERAGE ANNUAL PRECIPITATION 12 inches	SUMMER TEMPERATURES Maximum--94 Mini WINTER TEMPERATURES Maximum--59 Mini AVERAGE ANNUAL PRECI 20 inches
PLANTS (*zone indicator)	Grama grass *Mesquite *Creosotebush Cacti (Opuntia Spp.) Yucca Century plant	*Juniper *Pinon pine *Grama grass *Galleta grass *Buffalo grass *Sagebrush	*Ponderosa pine (Currant Go Buckthorn Mountain Snowberry Kin
ANIMALS	Desert bighorn sheep Bobcat Coyote Javalina Pocket gopher Badger Red fox Goati mundis	Mule deer Antelope Mountain lion Bobcat Coyote Badger Prairie dog Rabbit, jack and cottontail	Mule deer Bl Elk (winter range) Mountain lion Coyote Cottontail rabbit
BIRDS	Roadrunner Mockingbird Red-tailed hawk Horned owl Quail (3 species) Morning dove	Owls Red-tailed hawk Quail Bluebird	Turkey Magpie Red-tai Eagle

---

:Ranges of elevation for the various life zones decrease with increases in latitude along
Park in Montana occurs between 5,000 and 8,500 feet opposed to a range of between 8,000

DIAGRAMMATIC REPRESENTATION OF THE LIFE ZONES ALONG THE SOUTHERN CONTINENTAL DIVIDE[1]



	LOWER SONORAN ZONE	UPPER SONORAN ZONE	TRANSITION ZONE	BOREAL ZONE	ARCTIC-ALPINE ZONE
CLIMATE	SUMMER TEMPERATURES Maximum--101 Minimum--72 WINTER TEMPERATURES Maximum--67 Minimum--39 AVERAGE ANNUAL PRECIPITATION 9 inches	SUMMER TEMPERATURES Maximum--97 Minimum--70 WINTER TEMPERATURES Maximum--65 Minimum--26 AVERAGE ANNUAL PRECIPITATION 12 inches	SUMMER TEMPERATURES Maximum--94 Minimum--83 WINTER TEMPERATURES Maximum--59 Minimum--31 AVERAGE ANNUAL PRECIPITATION 20 inches	SUMMER TEMPERATURES Maximum--90 Minimum--60 WINTER TEMPERATURES Maximum--56 Minimum--28 AVERAGE ANNUAL PRECIPITATION 20 inches	SUMMER TEMPERATURES Maximum--78 Minimum--44 WINTER TEMPERATURES Maximum--45 Minimum--14 AVERAGE ANNUAL PRECIPITATION 40 inches
PLANTS (*zone indicator)	Grama grass *Mesquite *Creosotebush Cacti (Opuntia Spp.) Yucca Century plant	*Juniper *Pinon pine *Grama grass *Galleta grass *Buffalo grass *Sagebrush	*Ponderosa pine Oakbrush Currant Gooseberry Buckthorn Mountain mahogany Snowberry Kinnikinnic	*Douglas fir *Blue spruce *Lodgepole pine *Aspen *Englemann spruce Bristlecone pine Limber pine	Lichens Alpine sunflowers Marsh marigolds Dwarf primrose Dwarf gentians Dwarf forget-me-nots Grass
ANIMALS	Desert bighorn sheep Bobcat Coyote Javalina Pocket gopher Badger Red fox Goati mundis	Mule deer Antelope Mountain lion Bobcat Coyote Badger Prairie dog Rabbit, jack and cottontail	Mule deer Black bear Elk (winter range) Mountain lion Bobcat Coyote Squirrel Cottontail rabbit	Mule deer Elk Black and Grizzly bear Bighorn sheep Mountain lion Bobcat Beaver Chipmunk Squirrel	Pika Conies Marmot
BIRDS	Roadrunner Mockingbird Red-tailed hawk Horned owl Quail (3 species) Morning dove	Owls Red-tailed hawk Quail Bluebird	Turkey Grouse Magpie Red-tailed hawk Eagle	Clark's nutcracker Canada jay Dusky grouse Band-tailed pigeon Raven Mallard	Ptarmigan Hawks Eagles

---

[1] Ranges of elevation for the various life zones decrease with increases in latitude along the Divide -- e.g., the Boreal Life Zone in Glacier National Park in Montana occurs between 5,000 and 8,500 feet opposed to a range of between 8,000 and 11,500 feet in New Mexico.

I. INTRODUCTION

A. Purpose of the Comprehensive Management Plan

The purpose of the Comprehensive Management Plan for the Continental Divide National Scenic Trail (CDNST) is twofold:

1. Preparation of the Comprehensive Plan for the CDNST is required by the National Trails System Act, P.L. 90-543 enacted on October 2, 1968 as amended. Assessment of the environmental impacts is required by the National Environmental Policy Act (NEPA) and the implementing regulations for each of the Federal agencies with jurisdictional responsibility for segments of the CDNST route. In addition, each of the Federal agencies is required by various Acts of Congress to prepare and implement Land and Resource Management Plans for the Federal lands over which they have jurisdiction. It is the goal of this Comprehensive Plan to provide a uniform Trail Management Program which reflects the purposes of the National Scenic Trail System and at the same time, allows for the use and protection of the natural and cultural resources found along the designated route on lands of all jurisdictions. The specific location and management of the CDNST will reflect rather than dictate the land and resource management policies and activities on the lands through which it passes; on the other hand, the land and resource management plans developed for those lands must also respectfully consider the legislative intent of establishing the CDNST as a part of the National Trails System and the uses for which it was intended.

2. Because of the number of Federal and State land management agency jurisdictions and various political subdivisions traversed by the Trail route, the Secretary of Agriculture intends that the Comprehensive Plan provide for a fully coordinated approach by each of the responsible Federal and State agencies for the location, development, and management of the CDNST.

B. Legislative Mandate

The legislative mandate to the Secretaries and the Federal agencies was originally contained in the National Trails System Act. It established policies and procedures for a nationwide system of trails consisting of National

Recreation Trails, National Scenic Trails, and connecting or sidetrails. The Act designated the Appalachian Trail and the Pacific Crest Trail as the initial National Scenic Trails, and authorized the study of the Continental Divide National Scenic Trail. The 1968 Act describes the purpose of National Scenic Trails as:

> --"(b) National scenic trails established as provided in section 5 of this Act, which will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass."

The 1968 Act provides the following policy with respect to adjacent land management:

> --"That in selecting the rights-of-way, full consideration shall be given to minimizing the adverse effects upon the adjacent landowner or user and his operation. Development and management of each segment of the National Trails System shall be designed to harmonize with and compliment any established multiple-use plans for that specific area in order to ensure continued maximum benefits from the land."

Since 1968, subsequent legislation has amended P.L. 90-543 as follows (as it applies to the CDNST):

--P.L. 95-625, November 10, 1978 (the National Parks and Recreation Act of 1978) amended the National Trails Act;

--section 551 (9) established the Continental Divide Trail as a part of the National Scenic Trail system;

--section 551 (14) directed the Secretary of Agriculture to establish an advisory council for the CDNST;

--section 551 (15) directed the Secretary of Agriculture to submit within two years a comprehensive plan to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate;

--section 551 (23) of P.L. 95-625 amended 16 USC 1249 by specifically barring any expenditure of funds for the acquisition of any lands or interests in land for the Continental Divide Trail.

P.L. 96-199 (section 101 (b) (4)) amended section 551 (23) of P.L. 95-625 on March 5, 1980. This amendment allowed the expenditure of funds for acquisition of lands or interests in land for the Continental Divide Trail within the exterior boundaries of existing Federal areas. The amendment also permits Federal matching grants to be used by State or Local governments for Trail purposes.

The entire text of the National Trails System Act (P.L. 90-543) as currently amended, is in appendix A.

C. Role of the Federal Agencies

The Secretary of Agriculture is made responsible for the overall coordinated management of the CDNST after consultation with the Secretary of Interior and with the Governors of the five respective states through which the Trail passes (NTS Act). The Secretary, in turn, has made the Chief of the Forest Service responsible for the coordinated management of the Trail, except for appointments to the Advisory Council (FSM 2350). The Chief of the Forest Service, upon consultation with the Regional Foresters for Regions 1, 2, 3 and 4 and the BLM State Directors for Montana, Idaho, Wyoming, Colorado and New Mexico and the Regional Director of the National Park Service for the Rocky Mountain Region, has the overall responsibility for coordinating planning, location, development and management of the Trail. Using the direction and guidance provided by their respective land and resource management plans and the CDNST comprehensive plan, each Federal agency head will be responsible for the location, development and management of their respective segments of the CDNST.

Cooperative and coordinated management of specific trail segments outside Federal land areas and on private lands will be provided for through the use of Cooperative Agreements and authorities provided for in the National Trails System Act, as amended. The Chief of the Forest Service will also provide a periodic consolidated report on the development and managment of the CDNST to the appropriate Congressional Committees as required in the National Trails System Act.

D. Role of the Advisory Council

In accordance with section 551 (14) of the Act, the Secretary of Agriculture established the Continental Divide National Scenic Trail Advisory Council on November 27, 1979. 1/ In establishing the Advisory Council the Secretary stated the Council's role to be:

> "The purpose of this Council is to advise the Secretary of Agriculture on the development and management of the Continental Divide Trail. The Council is needed to obtain this advice from a broad range of concerned individuals and organizations.
>
> A balanced membership, not exceeding 35 in number, shall be drawn from Federal agencies, State and local government, industry, and organizations with an interest in the development and administration of the Continental Divide Scenic Trail. To the extent possible, the Council will have an ethnic, racial, and sexual balance.
>
> Objective and Scope - The objective of the Council is to secure advice from a variety of interested agencies, governments, and organizations in decisions relating to the development and administration of the Trail. The scope of the Council includes areas of policy, planning and management with regard to the Continental Divide National Scenic Trail.
>
> Duties - Members shall consider broad questions of the National Trails System Act, policy, programs, and procedures affecting the development

---

1/ Secretary's Memorandum No. 2002, November 27, 1979 (appendix B.)

and administration of the Continental Divide Scenic Trail and make recommendations to the Secretary. Responsibility for decisions remains with the Secretary and the Forest Service in accordance with existing laws and regulations."

Charter and membership of the Advisory Council is recorded in appendix B.

In the first 18 months of duties, the Council members have been actively involved in the development of the Comprehensive Plan, particularly in the aspect of public involvement, identification, and verification of public issues and agency management concerns and in the development of the management direction for the CDNST. During the analysis of public responses to the planning questions and preferences for a trail setting, an analysis of the Council members responses indicates that the Council as a whole is very representative of the general public that responded.

The continuing role of the Council will be to comment and make appropriate recommendations about specific trail segments as they are considered for formal additions to the CDNST system; continue to monitor and make known to the Secretary, through the Council Chairperson, the attitudes and concerns of the specific user groups or governmental entities on a state by state basis as they relate to the CDNST; and to aid, to the extent feasible, in the resolution of local concerns related to location and standards for the CDNST. It is anticipated that State subgroups will become the major focus of communication regarding CDNST matters.2/ Periodic meeting of the entire Council as may be needed for overall uniformity and consensus of management direction and recommendations. A quarterly Council newsletter will be initiated to aid in intercouncil communications. The periodic publication of the newsletter will be the responsibility of the Forest Service Region from which the Council Chairperson (usually the Regional Forester) is selected.

2/ State subgroups will be made up of the Council members residing in a given State. The State Government representative will serve as the Chairperson for the subgroup. One subgroup will be formed from the members residing in Idaho and Montana with the Montana State Government representatives serving as the Chairperson because the majority of the Trail lies in that State. Subgroup meetings and any reimbursable expenses must be in writing by the General Council Chairperson.

II. PURPOSE OF THE CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL

A. Policy Development

The perception and character of the Continental Divide National Scenic Trail has been evolutionary in nature, and will undoubtedly continue to be so. The idea of a trail route traversing the length of the Rocky Mountains had been proposed many years prior to the 1968 National Trails System Act and was what led to the inclusion in the Act of the Continental Divide Trail Study.

The Bureau of Outdoor Recreation began the study of the trail route in June of 1969. The study was completed in 1973 and a Final Environmental Statement filed with the Council of Environmental Quality on May 3, 1977. Following the establishment and first meeting of the Advisory Council in early 1980, the Forest Service, in cooperation with the Council, the Bureau of Land Management and the National Park Service began an extensive public involvement process in preparation for writing a Comprehensive Management Plan. Three principal factors have combined which serve to bring into focus the purpose and character that must guide the eventual establishment and management of what promises to be one of the Nation's most unique and satisfying outdoor recreational facilities. These factors are:

1. The legislative mandate and intent of Congress. As a part of the National Scenic Trail System the trail must be an extended trail so located as to provide for maximum outdoor recreation potential and the conservation and enjoyment of the nationally significant scenic, historic, or cultural qualities of the areas through which it passes. The Continental Divide National Scenic Trail extending approximately 3100 miles from Canada to Mexico should follow the approximate route depicted and described in the Department of Interior CDNST study report dated March 1977. The trail shall be administered by the Secretary of Agriculture in consultation with the Secretary of Interior.

Sections 5 (5) of the Act (as amended) 16 USC 1246 (c) and (i) provide for the use of motorized vehicles on portions of the CDNST where such use was allowed by administrative regulations at the time of designation.

Other uses along the CDNST as further provided by 16 USC 1246 (c) and (i) which will not substantially interfere with the nature and purposes of the trail and which at the time of designation are allowed by administrative regulations shall be permitted. The statute further provides that the Secretary of Agriculture, with the concurrence of the heads of the Bureau of Land Management and the National Park Service and after consultation with the States, local governments, and organizations involved with the CDNST may issue regulations, which may be periodically revised, to govern the use, protection, management, development and administration of the CDNST. Violation of such regulations will constitute a misdemeanor and may be punished by a fine of not more than $500 and/or by imprisonment not exceeding six months.

On both Federal and non-Federal lands, it is the intent as expressed in 16 USC 1246 to use those lands only to the extent necessary for the intended trail purposes and in such a way as to minimize the adverse effects upon adjacent lands and uses. The development and management of the trail shall be designed to harmonize with and compliment any established multiple-use plans for the specific area traversed in order to insure continued maximum benefits from the land.

2. The CDNST Advisory Council. From the beginning the members of the Advisory Council have been encouraged to become actively involved in the planning process for the CDNST and to continue a high level of interest and involvement in the development of the trail. The Council has proved to be a highly perceptive and accurate source of advice and information on matters related to the CDNST. Local land managers should become acquainted with Council members representing or residing in their respective areas and keep them advised about local aspects of the CDNST. (See the Council membership list in appendix B.)

From the viewpoint of the Council, the purpose of the CDNST is as follows: 3/

3/ From the statement of purpose developed at the CDNST Advisory Council Meeting of June 1980.

When completed the Continental Divide National Scenic Trail--

--will provide a scenic trail recreation opportunity along a route to be established from Canada to Mexico in the vicinity of the Continental Divide. The route will consist of the trunk primary trail, designated connecting side trails and related public use facilities such as trailheads and campsites.

--will be located, developed, and maintained to provide the traveler the opportunity to experience and reflect upon the wide variety of scenic, cultural, historic, and physiographic settings which are characteristic of the Continental Divide and adjacent lands.

--will be located, developed, and maintained to a standard commensurate with its National significance, while reflecting local land management objectives; limited by the standards established for special legislated areas (national parks and monuments, wildernesses, state parks) through which it passes.

--will cross segments of private land only where necessary and primarily as a travel route to provide continuity of the trail and safe passage for travelers.

--will be the responsibility of the public entities having principal jurisdiction over respective trail segments.

It should be noted that, like some members of the responding public, some Council members question the need or appropriateness of a Continental Divide National Scenic Trail. All Council members are in agreement that whenever a segment of the trail is located and made a part of the CDNST system, it must be done in such a manner that it will harmonize with and be compatible with the environment, the adjacent land uses and will be an asset to the existing character of the Continental Divide and the overall experience of the trail user.

3. The Public. The Continental Divide National Scenic Trail has the potential to become one of the Nation's truly great and most unique national outdoor recreation facilities, one truly deserving of national significance. However, it will be the local public and their interests in the areas adjacent to the trail that will be most affected by the location and use of the facility. For this reason, the solicitation and analysis of the public response to the CDNST idea and the various planning questions, issues, and concerns were based on a State by State approach utilizing previously identified social response units. The entire concept of the CDNST planning and management is based on project being socially responsive to the needs and situations of local areas. These areas contribute to the character of the Great Divide as much as the more evident physiographic features. The CDNST has been conceived as a "people's trail". A trail that would facilitate, but not dictate, the opportunity for the recreation user to actively (not passively) experience the magnificent variety of landscapes, natural phenomenon, prehistoric and historic actions of humans, and current uses of the resource rich backbone of America. The significant principals of trail location and management that came out of the public response to the planning questions were:

The CDNST need only be in the vicinity of the actual Continental Divide. Other considerations should have equal or more importance in the actual location of the tread. These are:

a. Utilize existing trails and ROW's as much as possible.

b. Avoid adverse impact on sensitive ecosystems and wildlife habitats (especially grizzly bear habitat areas).

c. Do not "overdevelop" the trail -- keep it simple -- do not change the current opportunities to experience the wide variety of travel conditions. The trail should not dictate the other uses of adjacent lands.

d. Do not adversely affect the current mix of multiple uses that occur adjacent to or within the trail corridor (both on public and private lands). Let people learn about all the activities and uses that occur along the route.

e. Keep the trail essentially nonmotorized. [4]

f. Most potential users say they would use the trail for overnight backpacking, day hiking, or day horseback riding. They would use the experience to "get away from the usual demands of life," to "learn about things along the trail," "to be with friends," or to "test their outdoor skills." The things that would _least_ detract from their CDNST experience would be livestock grazing, passing near small recreation sites or lightly used areas, and hunting activities. Timber harvesting is also acceptable, if done well. Settings that would _most detract_ from the desired experience of most potential users are motorized use and urban areas.

g. Use permit systems only as a last resort to control the amount and kind of uses on the trail. Where a permit system _is_ implemented, design it to accomodate the long distance user with the minimum of red tape and bureaucracy.

h. Being able to cope with the natural hazards of wildlands, including the availability of water, is the responsibility of the user. However, the management agencies should make reliable information readily available to the users so that they can be made aware of what conditions to expect.

i. Let the natural conditions of access and remoteness determine the levels of use on segments of the trail. Accept and plan for heavy use where it now occurs but do not make access easier or actively promote use of the trail, especially in remote areas.

j. Avoid the use of private land except where absolutely necessary (or where offered for use by the landowner).

The summary of analysis of the public response concerning the CDNST is found in appendix C.

---

[4] This desire is expressed by over 90 percent of the public respondents. However, the fact is that approximately 45 percent of the route passes through areas that are currently open to motorized use.

B. Description of the Route

As proposed, the route for the Continental Divide National Scenic Trail would traverse portions of 25 National Forests (including 12 wildernesses) 3 National Parks, 4 Bureau of Land Mangement Districts as well as various private lands in the states of Montana, Idaho, Wyoming, Colorado and New Mexico. The total distance from the Canada-United States border on the north and the United States-Mexico border on the south would be approximately 3100 miles. The actual mileage will depend on which of the several alternative routes are chosen during the long term process of locating specific right-of-way segments. Of the total distance, approximately 750 miles are located in Montana, 180 miles in Idaho, 610 miles in Wyoming, 770 miles in Colorado, and 790 miles in New Mexico. The BOR study report estimated that 62 percent (1922 miles) of the route could utilize existing trails or primitive roads. Again, this mileage will depend on the mix of alternative routes chosen in each segment, and the amount of deviation necessary to avoid unavailable private lands or areas of critical environmental concern. Figure 1 shows the general CDNST corridor route.

Regardless of the actual right-of-way selection, the CDNST will traverse the five basic life zones described in Figure 1a.

Figure 2 is a summary of approximate trail mileage broken down by general land management and ownership jurisdiction, recreation opportunity class, wilderness, motorized, and nonmotorized opportunities. These mileages and percentages are estimates derived from the inventory information tables prepared by the management agencies in the spring of 1981. They are summarized by social resource units in a north to south sequence as shown on the location map in Figure 3. It should be noted that mileages are shown for informational purposes and in some cases may be duplicated in more than one column. A brief summary of the trail route and 1981 management situation by social resource unit follows:5/

5/ An SRU is defined as a geographic area of land that exhibits common cultural, social, economic, institutional, and physical characteristics. The inventory tables, definitions of terms and segment maps are found in appendix E.

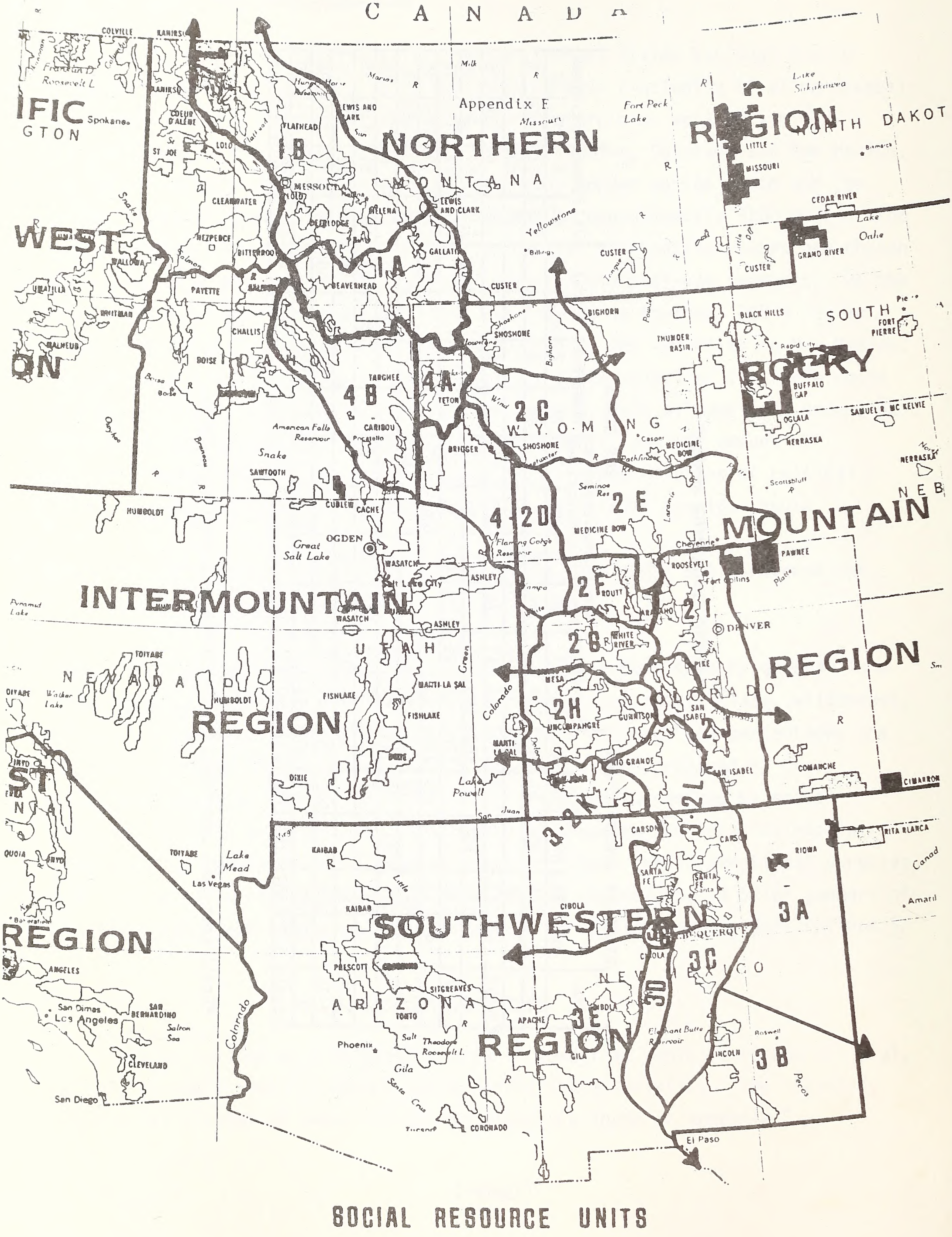
CDNST DESCRIPTOR SUMMARY

SRU	MILES BY JURISDICTION					ROS CLASS													
						Primitive		Semiprim. Nonmotor.		Semiprim. Motorized		Roaded Nat.		Rural		Wilderness		Motorized	
	BLM	FS	NPS	State /Pvt	Total	Mi.	%	Mi.	%	Mi.	%	Mi.	%	Mi.	%	Mi.	%	Mi.	%
1B	-	444	95	42	581	244	42	186	32			46	8			354	61	46	8
1A		39			39	31	80	8	20							31	80		
*1A&4B	50	252		8	310	59	19	16	5	233	75	3	1			25	8	236	76
4A		101	65		166	123	74			43	26					123	74	43	26
4-2D		126			126	32	25	58	46	36	29					90	71	36	29
2E	147	43		93	283	14	5			269	95					14	5	269	95
2F		115		10	125	50	40			75	60					28	22	26	21
2I		129	32	20	181	69	38	83	46	20	11			9	5	11	6	29	16
2J		232		7	239	36	15	122	51	22	9			60	25	81	34	139	58
3-2L		86			86	52	61	26	30					8	9	52	61	22	25
3-2K	25	220		142	387	145	37					121	50	121	50	81	21	152	39
3E	157	100		248	505	25	1			227	49	253	50			25	5	354	70
Totals	379	1887	192	570	3028	880	30	499	17	926	31	422	14	198	8	915	30	1352	45

*Trail goes back and forth across Divide and into both SRU's.

Figure 2

Appendix F



SOCIAL RESOURCE UNITS

SUMMARY: SRU 1B (segments 1-29)

SRU 1B covers the area of Western Montana which includes the cities of Whitefish, Kalispell, Great Falls, Helena, Butte, and Anaconda, Montana. The Federal lands involved are the Beaverhead, Lewis and Clark, Flathead, Helena, Lolo, and Deerlodge National Forests, and Glacier National Park. The trail runs 95 miles through Glacier National Park and 436 miles through mostly National Forests. Current use is consistent with planned land use. The most northerly portion is in the ROS classification primitive, and as one moves southward it becomes semiprimitive motorized and then to roaded natural. Current use is estimated to be 50-90 percent of estimated capacity. The major local concern was the grizzly bear.

SUMMARY: SRU 1A and 4B (segments 30-46)

SRU 1A and 4B covers the area of southern Montana, Yellowstone National Park, and southeastern Idaho which includes the cities of Dillon, Montana; and Salmon, Idaho Falls, Rexburg, and St. Anthony, Idaho. The Federal lands involved are the Bitterroot, Salmon, Beaverhead, Gallatin, and Targee National Forests and Bureau of Land Management. The trail is 350 miles long in these SRU's with 50 miles on Bureau lands. Current use on existing trails is consistent with planned land use. There are a number of miles of new construction required. The ROS classification is mostly semiprimitive motorized with some primitive setting. Current use estimates were not available, but are believed to be in the 60 percent of estimated capacity. Facility construction, mostly trailheads, are of major importance in this area.

SUMMARY: SRU 4A (segments 1-3c)

SRU 4A covers the area of the southern portion of Yellowstone National Park and the area just south of Yellowstone National Park in Wyoming. The city in this SRU is Jackson, Wyoming. The Federal lands involved are Yellowstone National Park and the Bridger-Teton and Shoshone National Forests. The trail is 264 miles long in this SRU, including 79 miles in

Yellowstone National Park. Most of the trail is existing in this SRU and use is consistent with planned use. The ROS classification is mostly primitive with some semiprimitive motorized. Current use estimates range from 5 percent to 35 percent of estimated capacity. Local concerns are the impacts on the grizzly bear and elk as well as impacts on the wilderness setting.

SUMMARY: SRU 2C and 4D (segments 4-2D)

SRU 2C and 4-2D covers the area of middle and southwestern Wyoming and a small portion of northwestern Colorado. Cities in these SRU's are Pinedale, Kemmerer, Riverton, Lander, and Rock Springs, Wyoming. Federal lands involved are the Bridger-Teton, Shoshone National Forests and Bureau of Land Mangement lands. The trail is 126 miles in these SRU's and the trail exists on National Forest lands but is mostly nonexistent on Bureau of Land Management lands. On existing trails, the current use is consistent with planned use. The ROS classification on National Forest lands is primitive to semiprimitive nonmotorized while on Bureau of Land Management, the classification is semiprimitive motorized. Current use estimates on National Forests are from 75-90 percent of estimated capacity with very low use on Bureau of Land Management lands. Local concerns on National Forest lands are the impact on wilderness and water availability and impacts on private property on Bureau lands.

SUMMARY: SRU 2E (segments 4E-10)

SRU 2E covers the area of southeastern Wyoming and a small portion of middle northern Colorado. Cities in this SRU are Casper, Cheyenne, Rawlins, and Laramie, Wyoming; and Walden, Colorado. Federal lands involved are Bureau of Land Management lands and the Medicine Bow National Forest. The trail is 286 miles long with 58 miles on National Forest. The trail on Bureau lands would follow existing low volume roads and follows existing trails on National Forest lands. The ROS classification on Bureau lands is mostly semiprimitive motorized and primitive and semi-primitive motorized on National Forest lands. Current use is from 5-15 percent of estimated capacity. The availability of water and the impacts on private landowners property are of major concern in this SRU.

SUMMARY: SRU 2F (segment 1-5)

SRU 2F covers the area of northwestern Colorado. Cities in this SRU are Craig, Steamboat Springs, and Kremmling, Colorado. Federal lands involved are the Routt and Arapaho National Forests and a small portion of Bureau of Land Management land. The trail is 92 miles long in this SRU. The trail exists for the most part and the current use is consistent with the planned use. The ROS classification is mostly primitive and semiprimitive nonmotorized with some semiprimitive motorized and roaded natural. Current use is from 40-70 percent of estimated capacity. Local concerns are cattle using the trail and elk harassment.

SUMMARY: SRU 21 (segments 6-19)

SRU 21 covers the area of middle Northern Colorado. Cities in this SRU are Grandby, Fort Collins, Boulder, metro Denver, Loveland, Longmont, Greeley, and Dillon, Colorado. Federal lands involved are the Routt, Arapaho and Roosevelt, Pike and San Isabel National Forests and Rocky Mountain National Park. About 50 percent of the trail exists with the current use being consistent with the planned use. The ROS classification is mostly primitive and semiprimitive nonmotorized with some semiprimitive motorized and roaded natural. Current use is 40-100 percent of estimated capacity. Local concerns are overuse in the Arapaho Pass area and Rocky Mountain National Park and motor vehicle use.

SUMMARY: SRU 2J (segments 20-41)

SRU 2J covers the area of middle Colorado. Cities in this SRU are Pueblo, Colorado Springs, Leadville, and Salida, Colorado. The Federal lands involved are the Pike and San Isabel, White River, Gunnison and Rio Grande National Forests. The trail is 206 miles long in this SRU. 86 percent of the trail exists. The existing use is consistent with the planned land use. The ROS classification is mostly semiprimitive nonmotorized and small amounts of semiprimitive motorized and roaded natural. Current use is estimated at 40-80 percent of estimated capacity. Local concerns are avalanche dangers in winter and motor vehicle uses. There is an extensive need to construct trailheads in this section.

SUMMARY: SRU 3-2K (segments CO 42-43 and NM 1-3)

SRU 3-2K covers the area of southeastern Colorado and northwestern New Mexico. Cities in this area are Durango, Colorado; and Farmington, Grants and Gallup, New Mexico. The Federal lands involved are the Rio Grande, San Juan, and Santa Fe National Forests and Bureau of Land Management lands. The trail is 334 miles long in this SRU. The trail exists in Colorado and is nonexistent in New Mexico. The ROS classification in Colorado is primitive, while in New Mexico it will be rural and roaded natural. Current use in Colorado is estimated at 65 percent of estimated capacity. Local concerns in Colorado are the possibility of too heavy use. There is a need for trailhead construction in Colorado also. In New Mexico, the Jicarilla Indian Tribe is concerned about the trail crossing its lands.6/ Water availability is also a concern.

SUMMARY: SRU 3-2L (segments 44-48)

SRU 3-2L covers the area of middle southern Colorado and middle northern New Mexico. Cities in this area are Monte Vista, Alamosa, and Del Norte, Colorado; and Los Alamos, Chama, Santa Fe, and Las Vegas, New Mexico. The Federal lands involved are the Rio Grande and Santa Fe National Forests. The trail is 73 miles long is this SRU. The trail exists in Colorado and is nonexistent in New Mexico. The ROS classification for the trail in Colorado is primitive and semiprimitive nonmotorized with small sections of roaded natural. In New Mexico it is roaded natural. Current use in Colorado is estimated at 65 percent of estimated capacity. Local concerns in Colorado and New Mexico are vehicle traffic where roads will be used in the final trail location. Also, water availability is a concern in New Mexico. Trailhead construction will be needed in this SRU.

6/ Currently proposed CDNST locations avoid both the Jicarilla and the Ramah-Navajo Reservations.

SUMMARY: SRU 3E (segments 4-7)

SRU 3E covers the area of southwestern New Mexico. Cities in this area are Socorro, Truth or Consequences, Silver City, and Las Cruces, New Mexico. The Federal lands involved are the Cibola and Gila National Forests and Bureau of Land Management lands. The trail is 505 miles long. The trail is nonexistent for the most part in this SRU. The ROS classification is roaded natural and semiprimitive motorized. Current use is very low. Local concerns are the lack of water and private land.

III. PLANNING AND MANAGEMENT PROCESSES

In order to achieve the objective of establishing a continuous trail of the magnitude and quality of the CDNST, it is necessary to establish a formal process for integrating the project into the existing long-range land and resource management programs of the various Federal and State agencies. Such a process should be both faithful to the intentions and requirements of the National Trails Act (specifically as it refers to the CDNST) and compatible with the established regulations and procedures under which the agencies must work.

A. Bureau of Outdoor Recreation Study Report

The study of the proposed CDNST was assigned to the Bureau of Outdoor Recreation (BOR) by the Secretary of Interior in consultation with the Secretary of Agriculture. The study began in June of 1967 and was conducted with the active assistance of other Federal agencies -- the Forest Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs, and Fish and Wildlife Service -- the States of Montana, Idaho, Wyoming, Colorado, and New Mexico, and numerous private organizations and individuals.

In the study, the Bureau of Outdoor Recreation attempted to regard the feasibility and desirability of trail establishment as two separate determinations. They viewed the element of feasibility as relating principally to the ability to develop such a trail in an engineering sense, matters of public safety, trail costs in relation to trail use and other economic gains and losses, and to a host of environmental concerns.

The considerations entering into the desirability of the trail were not as clearly described. They were based more on judgment factors and have to do principally with the trail's relationship to other national recreation needs and priorities as well as official and public attitudes in general. The BOR believed that all pertinent factors, except desirability, were adequately examined during the course of the study. Acceptability to the public -- the ultimate test of desirability -- was judged to be beyond the purview of the study.

Efforts were made throughout the study to keep the public informed and to solicit the views of citizens about the proposed trail. Sixteen formal public meetings and a host of other discussions with large and small groups were held and progress reports were issued on a regular basis. The press and electronic media were of great assistance in publicizing the study, and largely as a result of their efforts, several hundred letters were received from throughout the United States containing opinions and suggestions relative to the study and the trail.

During the course of the study, the views of a great many people were received. The mass of information and views received were extremely valuable for study and planning purposes and form the principal basis for the development of the following findings and recommendations.

1. The 3100 mile route from Canada to Mexico proposed in this report be designated as the Continental Divide National Scenic Trail, with the designated trail being limited to those segments of trail already in existence on Federal lands.

2. No new major trail developments be undertaken along the Continental Divide Trail route until higher priority needs in the vicinity are met, i.e., the upgrading of existing trails and development of new loop trails to meet the more immediate recreation needs of population and recreation destination centers near the Continental Divide.

3. Responsibility for overall administration and details of trail alignment rest with the Secretary of Agriculture, with continued management of segments by the respective State and Federal agencies and Indian tribes having jurisdiction over the lands involved.

B. Agency Responsibilities

Inasmuch as the Forest Service manages the greatest amount of land along the CDNST corridor, the Congress directed that the Secretary of Agriculture would have overall responsibility for administration of the trail. This is done in consultation with the Secretary of Interior, who also has significant jurisdiction along the route of the trail. Under this broad umbrella of Department jurisdiction, the following responsibilities for the direct establishment and administration of the CDNST are assigned:

1. Chief of the Forest Service and Directors of the Bureau of Land Management and National Park Service.

a. The Secretary of Agriculture has delegated all actions attributed to him in the National Trails System Act to the Chief of the Forest Service in accordance with 1 AR 165, Chapter 2, Section 13 -- Forest Service, except:

(1) Appointment of chairperson and members of the Advisory Council.

(2) Designation of the Department's representative on the Advisory Council for a National Scenic or National Historic Trail administered by another agency.

b. The agency heads are responsible for the implementation of the broad direction set forth in the Comprehensive Plan. Such direction is to be integrated into each agency's land and resource planning and management process.

c. Beginning in FY 1984, an annual report to the respective Secretaries will be prepared giving an update on the location and administration of the CDNST. The Chief of the Forest Service will have overall responsibility for preparing this report.

2. Regional Foresters and State and Regional Directors of the Bureau of Land Management and National Park Service with responsibility for administration of the CDNST.

a. The Regional Foresters for the Rocky Mountain, Intermountain, Northern, and Southwestern Regions of the Forest Service, the State BLM Directors for the States of Montana, Idaho, Wyoming, Colorado, and New Mexico, and the Rocky Mountain Regional Director of the National Park Service will:

(1) Recommend organizations and individuals to be represented on the advisory council.

(2) Select routes in consultation with the advisory council and other interested parties. Submit the selection to the Chief for approval.

(3) Oversee the timely analysis and location of specific trail segments scheduled to be a part of the CDNST System through the review of land and resource management plans and direction.

(4) Encourage States, counties, or private organizations to construct, maintain, and manage those portions of the trail located on non-Federal land and outside the exterior boundaries of National Forests and National Parks.

(5) When deemed to be in the public interest, enter into written cooperative agreements with States or their political subdivisions, landowners, private organizations, or individuals to operate, develop, and maintain any part of a National Scenic Trail.

(6) Connecting and Side Trails

(a) Recommend to the Chief of the Forest Service connecting and side trails as components of a National Recreation or National Scenic Trail on lands administered by the Forest Service.

(b) Prepare a trail management plan for each connecting and side trail and submit the plan to the Chief of the Forest Service for approval.

(7) The Regional Forester of the Rocky Mountain Region (R-2) of the Forest Service will represent the Forest Service on the Advisory Council and will serve as Chairperson of the Council.

b. Assure that recommended segments meet established criteria and that needed coordination between Federal and State agencies, private landowners, and affected special interest groups has been accomplished.

c. Provide the Chairman and State subgroup chairperson of the CDNST Advisory Council for each State and each Advisory Council member within the affected State with copies of the maps and analysis reports used in support of the recommended additions to the CDNST system, and consult with them about proposed additions to the CDNST system.

3. Forest Supervisor, BLM District Manager, or National Park Service Superintendent.

These unit managers are responsible for:

a. Planning investigations and analysis to accomplish the review of the alternative route segments located on their respective units. This will be carried out as part of the unit's normal land and resource planning and management process. In cases where approved unit plans exist, investigations and recommendations will be made as amendments to existing plans.

b. Developing specific recommendations for additions to or modifications of the CDNST system.

c. Specific coordination with adjacent Federal and State agencies, private landowners, and local user groups.

d. Initiating the necessary actions to acquire needed rights-of-way.

e. Construct, maintain, and manage the CDNST and designated side trails with the regulations issued by the Secretary of Agriculture and/or Secretary of the Interior.

4. Chairperson of the CDNST Advisory Council.

The Chairperson of the CDNST Advisory Council in consultation with the appropriate State Subgroup Chairperson will submit to the Chief of the Forest Service a statement of endorsement or rejection for each trail segment recommended for location or relocation to the CDNST system, along with a brief statement of supporting comments. Copies of the Council's statement and comments will be sent to the appropriate Regional Directors for their information.

5. State Agencies.

Responsibilities for the administration of specific segments of the CDNST may be assigned to appropriate State or local government agencies where such an arrangement is the most practical and/or economical way to provide local management of the trail. Clear delineation and acceptance of administration and fiscal responsibilities by a State or local agency must be normally documented in appropriate cooperative agreements which are drawn up in accordance with the regulations and authorities of both the Federal agency and the State or local government involved. Sample agreements are found in appendix E.

6. Private Sector Responsibilities.

a. Cooperative Agreements. Responsibilities for certain specified aspects of administration and management may be taken on by private organizations or individuals through the execution of appropriate cooperative agreements with the Federal agency having primary jurisdiction over a given segment of the CDNST. Such responsibilities may include trail maintenance, marking, construction or reconstruction, and cleanup.

b. Volunteer Trails Assistance. In addition to the cooperative agreements and other authorities provided for in the National Trails System Act, as amended, the Federal agencies are authorized to encourage volunteers and volunteer organizations to plan, develop, maintain, and, where appropriate, manage specified segments of the CDNST.

Federal agency unit managers are encouraged to utilize the Volunteers in the Parks Act of 1969, the Volunteers in the Forests Act of 1972, and Section 6 of the Land and Water Conservation Fund Act of 1965 (relating to the development of Statewide Comprehensive Outdoor Recreation Plans), to facilitate the planning, developing, maintaining and managing segments of the CDNST through the use of volunteer groups and qualified individuals.

C. National Environmental Policy Act Requirements

The USDI Bureau of Outdoor Recreation (BOR) prepared a Legislative Final Environmental Statement which was filed with the Council on Environmental Quality on May 3, 1977. The proposed action was to legislatively implement the recommendations of the BOR Continental Divide Trail Study Report (see Fig. 4).

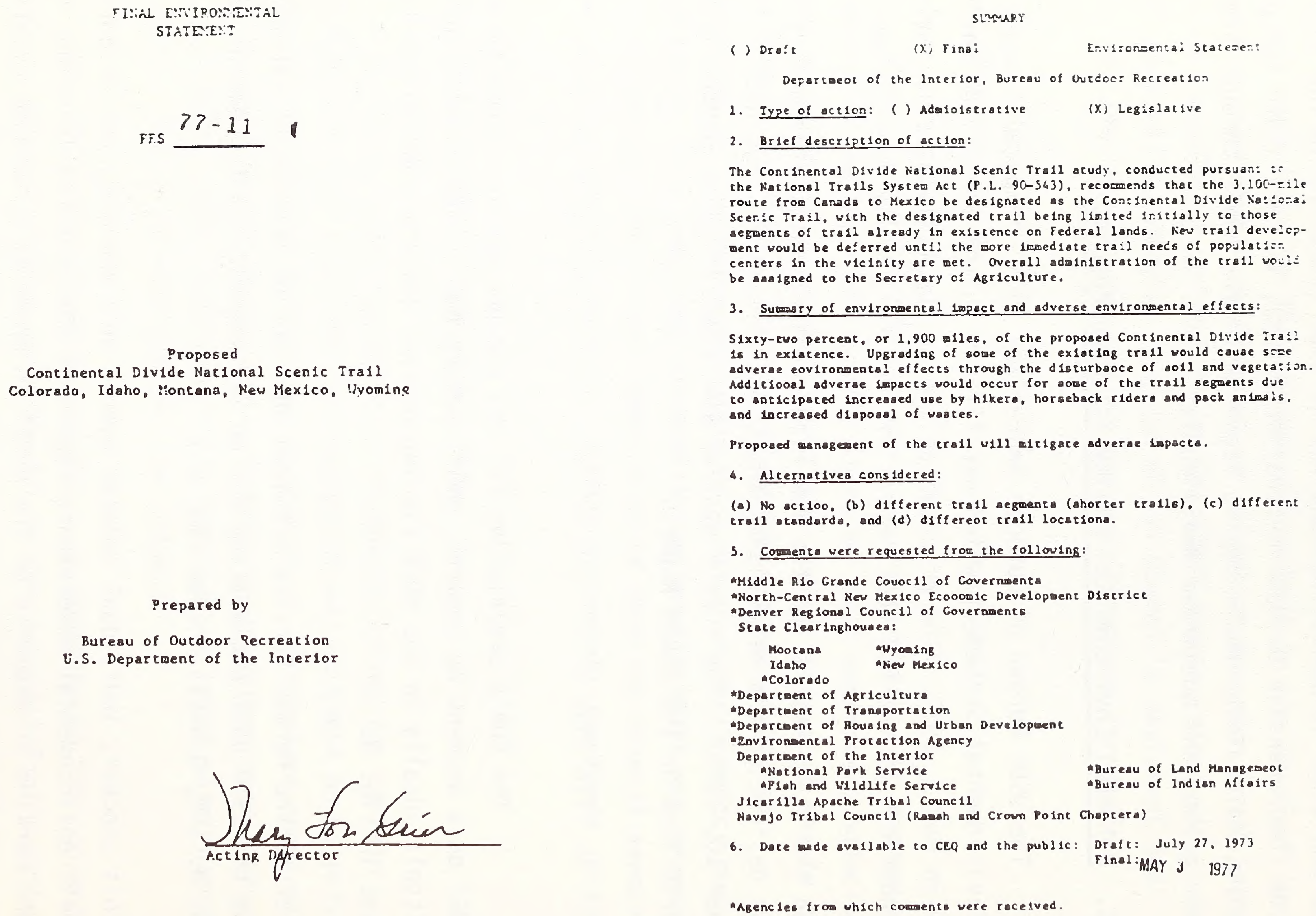
Based on the Study Report and the BOR Final Environmental Statement (FES), the Congress designated and established the CDNST through P.L. 95-625 (November 10, 1978). The intent was for the final trail to generally follow the route described in the Study Report.

1. Tiering.

The BOR's Legislative FES and the process for formally designating the CDNST on a segment by segment, multi-agency basis over a period of years lends itself ideally to the NEPA tiering process (40 CFR 1502.20 and 1508.28) described in Fig. 5.

The Chief of the Forest Service utilized the tiering process by formally adopting the 1977 USDI Legislative FES on September 2, 1981 (Federal Register Vol. 46, N. 150, 8/6/81). (See Fig. 6.)

Under this concept, individual Federal agency unit managers are encouraged to tier their environmental assessments regarding the specific location, development, and marking of segments of the CDNST in order to eliminate repetitive



FINAL ENVIRONMENTAL
STATEMENT

FES 77-11

Proposed
Continental Divide National Scenic Trail
Colorado, Idaho, Montana, New Mexico, Wyoming

Prepared by

Bureau of Outdoor Recreation
U.S. Department of the Interior

Acting Director

SUMMARY

( ) Draft (X) Final Environmental Statement

Department of the Interior, Bureau of Outdoor Recreation

1. Type of action: ( ) Administrative (X) Legislative

2. Brief description of action:

The Continental Divide National Scenic Trail study, conducted pursuant to the National Trails System Act (P.L. 90-543), recommends that the 3,100-mile route from Canada to Mexico be designated as the Continental Divide National Scenic Trail, with the designated trail being limited initially to those segments of trail already in existence on Federal lands. New trail development would be deferred until the more immediate trail needs of population centers in the vicinity are met. Overall administration of the trail would be assigned to the Secretary of Agriculture.

3. Summary of environmental impact and adverse environmental effects:

Sixty-two percent, or 1,900 miles, of the proposed Continental Divide Trail is in existence. Upgrading of some of the existing trail would cause some adverse environmental effects through the disturbance of soil and vegetation. Additional adverse impacts would occur for some of the trail segments due to anticipated increased use by hikers, horseback riders and pack animals, and increased disposal of wastes.

Proposed management of the trail will mitigate adverse impacts.

4. Alternatives considered:

(a) No action, (b) different trail segments (shorter trails), (c) different trail standards, and (d) different trail locations.

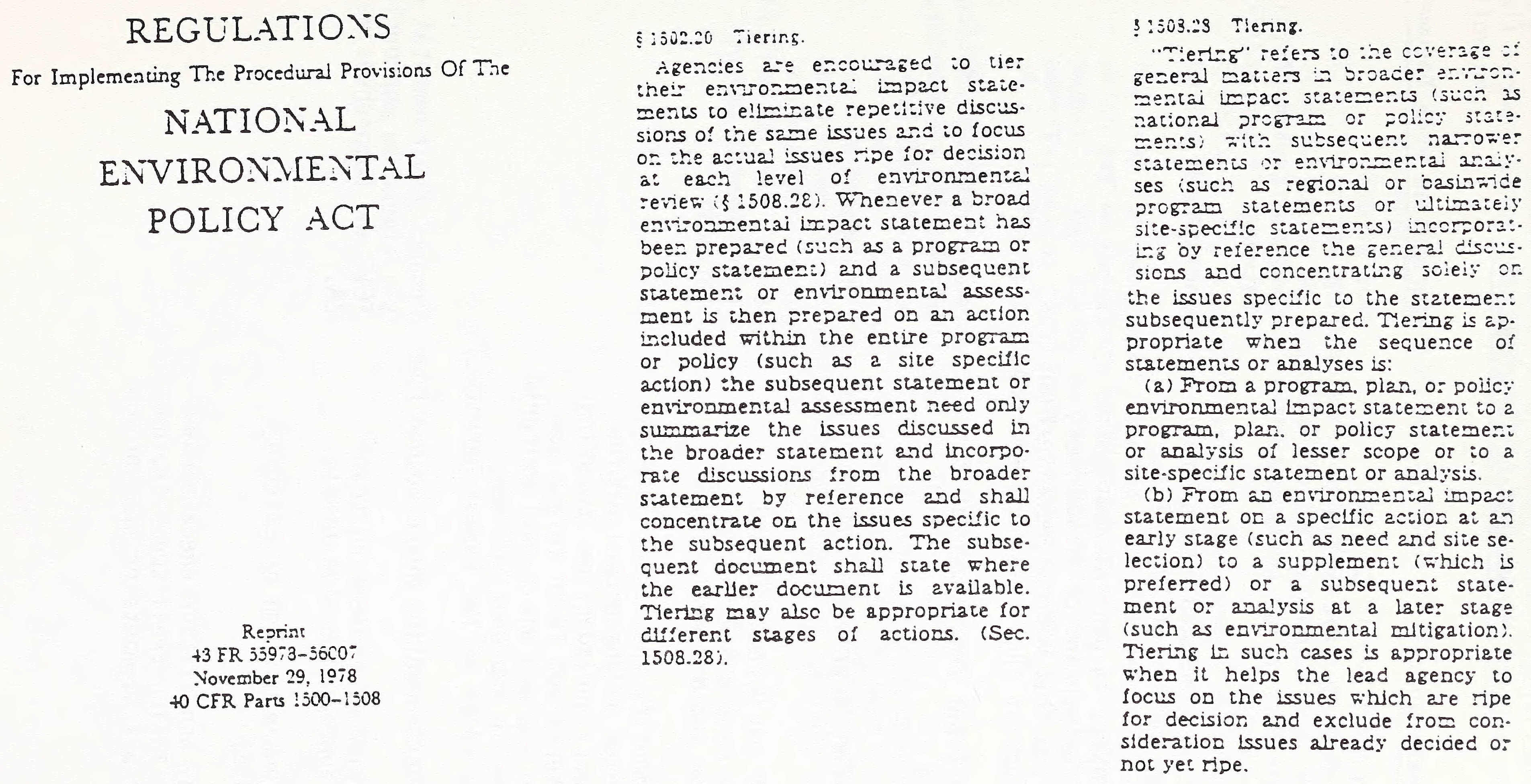
5. Comments were requested from the following:

*Middle Rio Grande Council of Governments
*North-Central New Mexico Economic Development District
*Denver Regional Council of Governments
State Clearinghouses:
  Montana *Wyoming
  Idaho *New Mexico
  *Colorado
*Department of Agriculture
*Department of Transportation
*Department of Housing and Urban Development
*Environmental Protection Agency
Department of the Interior
  *National Park Service *Bureau of Land Management
  *Fish and Wildlife Service *Bureau of Indian Affairs
Jicarilla Apache Tribal Council
Navajo Tribal Council (Ramah and Crown Point Chapters)

6. Date made available to CEQ and the public: Draft: July 27, 1973
Final: MAY 3 1977

*Agencies from which comments were received.

Figure 4



REGULATIONS

For Implementing The Procedural Provisions Of The

NATIONAL ENVIRONMENTAL POLICY ACT

Reprint
43 FR 55978–56007
November 29, 1978
40 CFR Parts 1500–1508

§ 1502.20 Tiering.

Agencies are encouraged to tier their environmental impact statements to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review (§ 1508.28). Whenever a broad environmental impact statement has been prepared (such as a program or policy statement) and a subsequent statement or environmental assessment is then prepared on an action included within the entire program or policy (such as a site specific action) the subsequent statement or environmental assessment need only summarize the issues discussed in the broader statement and incorporate discussions from the broader statement by reference and shall concentrate on the issues specific to the subsequent action. The subsequent document shall state where the earlier document is available. Tiering may also be appropriate for different stages of actions. (Sec. 1508.28).

§ 1508.28 Tiering.

"Tiering" refers to the coverage of general matters in broader environmental impact statements (such as national program or policy statements) with subsequent narrower statements or environmental analyses (such as regional or basinwide program statements or ultimately site-specific statements) incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared. Tiering is appropriate when the sequence of statements or analyses is:

(a) From a program, plan, or policy environmental impact statement to a program, plan, or policy statement or analysis of lesser scope or to a site-specific statement or analysis.

(b) From an environmental impact statement on a specific action at an early stage (such as need and site selection) to a supplement (which is preferred) or a subsequent statement or analysis at a later stage (such as environmental mitigation). Tiering in such cases is appropriate when it helps the lead agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe.

Figure 5

CDNST MANAGEMENT ACTION SEQUENCE

Action or Action Document	Appropriate NEPA Document
1. Legislation: National Trails System (NTS) Act (P.L. 90-543, 10/2/68).	None Needed
2. Bureau of Outdoor Recreation (BOR) Trail Study (completed 9/76).	BOR Final Environmental Statement (filed 5/3/77).
3. Legislation: NTS Act amended by National Parks and Recreation Act of 1978 (P.L. 95-625). (Established CDNST as a general route and provided for establishment of an Advisory Council. Directed that a Comprehensive Plan for the management of the Trail be prepared).	None Needed
4. Adoption of BOR Final Environmental Statement.	Federal Register Notice (Vol. 46, No. 150, Wednesday, August 7, 1981).
5. Comprehensive Plan (Approved /84).	None Needed
6. National Forest and Bureau of Land Management Unit Land and Resource Management Plans and National Park Master Plans. (These plans identify the actual location of the CDNST route on the ground within appropriate agency jurisdiction. Location adheres to criteria set forth in the Comprehensive Plan and any additional criteria deemed necessary in the unit LMP and approved by the Chief of the Forest Service.)	Forest, Park or Unit Final Environmental Impact Statements
7. Project Planning/Scheduling Where Needed For: - New construction of connecting trail segments or appropriate side trails. - Reconstruction/relocation of existing trail segments; - Rights-of-Way acquisition where needed either for existing trail segments, new connecting trail segments or appropriate side trails.	Project Environmental Analysis tiered to appropriate FEIS and Comprehensive Plan EA.

FIGURE 5A

Tiered environmental analysis of the environment affected by a specific trail segment being considered will contain, but not be limited to, the following:

- Effects on the physical and biological setting traversed by the trail segment;

- Effects on the general socio-economic setting through which the segment passes as described in the appropriate Land Management Plan for the administrative units;

- Effects on the specific resource management activities adjacent to the proposed location of the trail segment;

- The need for management support elements and staff expertise which may be necessary to locate, develop, or operate the trail segment. Such things as land acquisition or special use permits, soils, facilities, protection and special designations of areas will be discussed.

- The need for or opportunity to use volunteer groups or organizations or other entities to locate, develop, or operate the trail segment if other than the agency having primary jurisdiction over the lands through which the segment passes. Include the details of appropriate cooperative agreements or Memorandums of Understanding necessary to provide for adequate trail segment management.

Notices

Federal Register
Vol. 46, No. 150
Wednesday, August 5, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Continental Divide National Scenic Trail Environmental Impact Statement; Record of Decision

I have determined the Final Environmental Impact Statement, as published by the Bureau of Outdoor Recreation on May 3, 1977, meets the standards for an adequate statement under the Council on Environmental Quality, National Environmental Policy Act implementation regulations, 40 CFR 1500. On-going public involvement and input from the Advisory Council have indicated these findings are still valid. No new significant issues or management concerns have been identified. The comprehensive plan will contain specific mitigation measures to be used by the land management agencies.

It is my decision, in accordance with 40 CFR 1506.3, to adopt the Final Environmental Impact Statement for the Proposed Continental Divide National Scenic Trail as prepared by the Bureau of Outdoor Recreation. As a result of this decision, the environmental analysis or information contained in the Final Environmental Impact Statement for the Proposed Continental Divide National Scenic Trail will be used in development of the comprehensive plan and/or future environmental documents prepared under 40 CFR 1500.

Adoption of the Final Environmental Impact Statement as prepared by the Bureau of Outdoor Recreation for the Continental Divide National Scenic Trail may take place immediately.

This decision is subject to administrative review (appeal) pursuant to 36 CFR 211.19. The 45-day period for administrative review begins with the date of this decison.

Summary

The Bureau of Outdoor Recreation, U.S. Department of the Interior published a Final Environmental Impact Statement for the Proposed Continental Divide National Scenic Trail on May 3, 1977.

The Final Environmental Impact Statement recommended a 3,100-mile route from Canada to Mexico which traverses Colorado, Idaho, Montana, New Mexico, and Wyoming, be designated as the Continental Divide National Scenic Trail.

Background

The Bureau of Outdoor Recreation consulted with the Forest Service, National Park Service, and the Bureau of Land Management during the environmental analysis process and the preparation of the Final Environmental Impact Statement.

The Final Environmental Impact Statement considered four alternatives. They were: (a) no action; (b) different trail segments (shorter trails); (c) different trail standards; and, (d) different trail locations.

It was determined that the designated trail be limited initially to those segments of trail already in existence on Federal lands. New trail development would be deferred until the more immediate trail needs of population centers in the vicinity were met. The Forest Service agrees that this is the environmentally preferable alternative.

Sixty-two percent, or 1,900 miles, of the proposed Continental Divide Trail route were in existence at the time the Final Environmental Impact Statement was prepared. Upgrading of some of the existing trail would cause some adverse environmental effects through the disturbance of soil and vegetation. Additional adverse impacts would occur for some of the trail segments due to anticipated increased use by hikers, horseback riders, and pack animals, and increased disposal of wastes on both public and private lands. The proposed management of the trail will mitigate adverse impacts.

Based on the Final Environmental Impact Statement, the National Parks and Recreation Act of 1978 (Pub. L. 95-625) formally established the Continental Divide National Scenic Trail and directed that the trail be administered by the Secretary of Agriculture in consultation with the Secretary of the Interior.

Information

Public Law 95-625 also directed the Secretary of Agriculture to develop a comprehensive plan for the management and use of the trail. Based on the environmental analysis and information in the Final Environmental Impact Statement for the Proposed Continental Divide National Scenic Trail the Forest Service, in cooperation with other Federal agencies, affected State governments, the public and interested private landowners, is currently developing the comprehensive plan and environmental analysis to be submitted to Congress by October 1981.

The comprehensive plan will provide standards and guidelines for the location, development, and management of the Continental Divide National Scenic Trail in the respective agencies' land management plans. A draft of the plan and documentation will be available for public review in mid-July 1981. For further information, contact Charles E. McConnell, Continental Divide National Scenic Trail Coordinator, Rocky Mountain Region, USDA Forest Service, P.O. Box 25127, Lakewood, CO 80225, (303) 234-4082, FTS-234-4082.

Dated: July 20, 1981.

D. R. Leisz,
Acting Chief, Forest Service.

[FR Doc. 81-22830 Filed 8-4-81; 8:45 am]
BILLING CODE 3410-11-M

Figure 6

discussions of the same issues and to focus on the actual issues ripe for discussion at each level of environmental review (40 CFR 1508.28).

Final Environmental Statements prepared for National Forest Land and Resource Management Plans or Bureau of Land Management Unit Land and Resource Plans need only to summarize these issues discussed in the UDSI FES which are pertinent to the local planning area and trail segments covered by the unit management plan. The unit plan should concentrate on the issues which are specific to the actions of selecting and scheduling a specific CDNST route within the planning area.

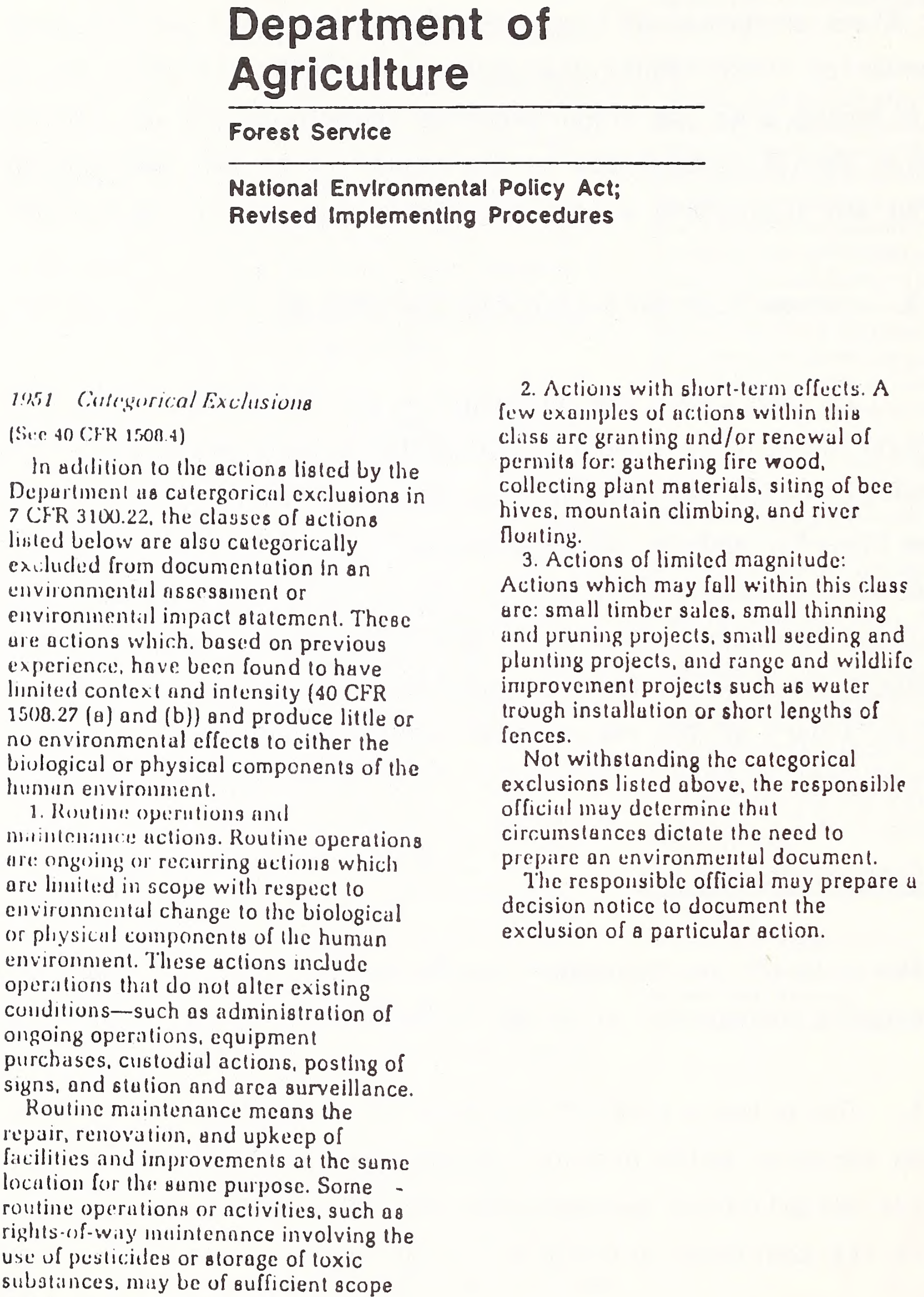
2. Categorical Exclusion (40 CFR 1508.4)

In some cases the designation and subsequent management of an existing trail segment as a part of the CDNST system may qualify as a "Categorical Exclusion" as described in section 1951 of the Forest Service Manual (see Fig. 7); and in the Department of the Interior's Departmental Manual, 516 DM 2, Appendix 1.7, and 516 DM 6, Appendix 5 (Bureau of Land Management) and Appendix 7 (National Park Service)." Where an environmental analysis determines this to be the case, the preparation of an Environmental Assessment as a part of the recommended action is not necessary.

D. Comprehensive Plan

The role of the Comprehensive Management Plan for the CDNST in agency land and resource management planning is twofold.

1. The primary role of the Comprehensive Plan is to serve as a coordinating document which provides broad based policy, guidelines and standards for establishing and managing the CDNST over time and in such a manner as to insure its continued utility as a high quality national recreation facility.



Department of Agriculture

Forest Service

National Environmental Policy Act; Revised Implementing Procedures

1951 Categorical Exclusions

(See 40 CFR 1508.4)

In addition to the actions listed by the Department as catergorical exclusions in 7 CFR 3100.22, the classes of actions listed below are also categorically excluded from documentation in an environmental assessment or environmental impact statement. These are actions which, based on previous experience, have been found to have limited context and intensity (40 CFR 1508.27 (a) and (b)) and produce little or no environmental effects to either the biological or physical components of the human environment.

1. Routine operations and maintenance actions. Routine operations are ongoing or recurring actions which are limited in scope with respect to environmental change to the biological or physical components of the human environment. These actions include operations that do not alter existing conditions—such as administration of ongoing operations, equipment purchases, custodial actions, posting of signs, and station and area surveillance.

Routine maintenance means the repair, renovation, and upkeep of facilities and improvements at the same location for the same purpose. Some routine operations or activities, such as rights-of-way maintenance involving the use of pesticides or storage of toxic substances, may be of sufficient scope to require environmental documents.

2. Actions with short-term effects. A few examples of actions within this class are granting and/or renewal of permits for: gathering fire wood, collecting plant materials, siting of bee hives, mountain climbing, and river floating.

3. Actions of limited magnitude: Actions which may fall within this class are: small timber sales, small thinning and pruning projects, small seeding and planting projects, and range and wildlife improvement projects such as water trough installation or short lengths of fences.

Not withstanding the categorical exclusions listed above, the responsible official may determine that circumstances dictate the need to prepare an environmental document.

The responsible official may prepare a decision notice to document the exclusion of a particular action.

Figure 7

In this regard, the policies, guidelines, and standards presented in the Comprehensive Plan are to be integrated into the appropriate parts of Federal and State agency land management plans.

2. The secondary role of the Comprehensive Plan is to provide a continuous record of issues, concerns, and public attitudes identified as a result of public involvement regarding the development and management of the CDNST. This information is to be used by public land managers at appropriate levels as they proceed to designate and manage specific trail segments. The information has been collected and summarized by local areas (Social Resource Units) to aid the land managers in identifying issues and attitudes which specifically affect their areas of concern. It is also intended that as new issues emerge, or changes in public attitudes or needs occur, local unit managers can report them to the appropriate Regional Directors who, in turn, can add the information to the Comprehensive Plan and make it available to each of the Federal and State agencies, the Advisory Council and the Secretary of Agriculture.

E. Agency Land and Resource Management Plans

Both the Forest Service and the Bureau of Land Management are developing land and resource management plans which are designed to integrate all resource management activities which may occur within a land use unit into a coordinated system which reflects the interaction of management activities in achieving long range objectives and goals for public land management. This is usually accomplished through the development of a series of synergistic management prescriptions developed for specific management areas.

The same type of integration of CDNST management direction is intended to be used in National Park Resource Management Plans.

It is not the intent to develop a separate "management plan" for the CDNST, but to provide for the development and management of the trail as a management practice which is to be integrated into the overall prescription for the land area through which the trail passes. This concept may be utilized on non-Federal as well as Federal lands. Figure 8 illustrates the integration of

Figure 8

PRACTICES	GENERAL DIRECTION	STANDARDS AND GUIDELINES
TRANSPORTATION/TRAVEL		
Continental Divide National Scenic Trail (CDNST)	Interim Management for the CDNST corridor will apply to identified alternative routes utilizing both existing trails and roads and nonexisting routes which may be used as connecting travel segments. Interim management will establish visual quality objectives for the Foreground and Middleground areas with the corridor.	The CDNST corridor is that area which encompasses the Foreground and Middleground of the seen area as viewed from the alternative travel routes identified in the Comprehensive Plan (see appendix ____).
	Existing travel routes shall not be marked as being a part of the CDNST system.	All travel route alternatives within the CDNST corridor have a VMS sensitivity Level I classification. Foreground and Middleground areas within the corridor will meet the highest visual quality objective available within the existing visual condition class constraints and the visual quality of the management area.
	Upon formal designation of a travel route segment as a part of the CDNST system, the CDNST will be managed to emphasize foot travel, provide for horse use where safe to do so and the continuation of motorized use where presently permitted and considered appropriate in the management direction for the overall management area. Consideration will be given to the needs of the long distance traveler. Trail location will avoid urban areas or large developed recreation sites. Trail location may be routed through or adjacent to all other resource management activity areas where such location will not create an unacceptable safety hazard to users. Trail location and management will be sensitive to natural features, wildlife, and wildlife habitat needs, and areas of concentrated use.	The formally designated CDNST travelway will have a sensitivity level I classification. Foreground and Middleground areas, as seen from the trail, will meet the highest visual quality objective available within the existing visual condition class constraints, and the visual quality of the management area. Travel routes will be marked using the CDNST logo accroding to appropriate standards in the Comprehensive Plan. Where motorized use is permitted, such use is limited to vehicles with less than 40 inch width except where the route coexists with a primitive road open to use by larger vehicles, and snowmobiles operating on snow. All other standards and guidelines for management area apply.

the CDNST into some typical management prescriptions and the utilization of existing guidelines and standards to insure the intended function of the trail and the quality of the recreation experience opportunity it is intended to provide in a given management area.

The trailwide management direction given in section IV of this plan is to be used as appropriate and needed, in developing specific prescriptions for the management areas through which the CDNST will pass. It should be noted that there are two CDNST management situations which must be dealt with in preparing a prescription.

1. The first concerns the interim management of the alternative routes and adjacent lands to provide for the future availability of the corridor and the appropriate scenic and recreation opportunity until a route is located as a part of the CDNST system.

2. The second concerns the management direction to be followed once a specific route has been located. In some cases, the interim management direction may affect a larger land area than that affected once a route selection has been made, depending upon the location and extent of the alternative routes under consideration.

F. Process and Criteria for Locating Trail Segments to the CDNST System

The following principles and policies have been developed to aid in clarifying and understanding the process by which specific trail segments will be selected and made a part of the CDNST System and properly located and marked on the ground.

1. Principles of CDNST location.

a. Congress designated and established the Continental Divide National Scenic Trail generally following a route described in the Bureau of Outdoor Recreation's 1976 Study Report and Final Environmental Statement.

b. Along this route, a network of existing trails, primitive roads, and cross country travel routes are available which may become part(s) of the CDNST.

c. Potential routes connecting existing segments of trails or roads, especially those which traverse non-Federal lands, cannot be assumed to be available for use as part of the CDNST system.

d. The Chief of the Forest Service can formally locate specific segments of existing trails or roads (including marked cross country routes) as components of the CDNST system.

2. Policy and procedure for formally locating and identifying the CDNST on the ground.

a. Authority for formal location of specific segments of existing trails and primitive roads as components of the CDNST system has been delegated by the Secretary of Agriculture, to the Chief of the Forest Service.

b. Regional Foresters, Regional Directors of the NPS and the State Directors of the BLM for the respective regions and states through which the CDNST corridor passes, will make recommendations to the Chief of the Forest Service to include specific trail segments as parts of the CDNST system.

c. Criteria for locating a given segment as a part of the CDNST:

To qualify as a component of the CDNST system, the trail segment under consideration must meet the following criteria:

(1) Prior to location as a component of the CDNST system the actual treadway or marked cross country route must be existing, and any rights-of-way across non-Federal lands secured according to the appropriate policies and standards of the managing Federal or State agency.

(2) The segment meets the location criteria in the CDNST comprehensive plan.

(3) Local trail needs are adequate or better to serve the amount and kind of local use expected in the next five years or --

(4) The segment would (is) contribute(ing) toward meeting local trail needs.

(5) The segment meets the minimum design standards required for the anticipated amount and kind of use and can be logically connected with existing or future CDNST segments.

(6) It is reasonably assured that adequate funds can be budgeted to perform the scheduled maintenance on the segment for the next five years without an adverse effect on other local trail maintenance needs or biological resources adjacent to the trail.

(7) The issues and concerns identified for the SRU can be positively resolved (see appendix F).

(8) The segment can be managed in harmony with the adjacent land management direction and meet CDNST minimum maintenance and visual quality objectives.

(9) The Administrative Unit Manager agrees in writing that the trail will be available for public use for at least ten years (same as for National Recreation Trails).

d. Scheduling for on-the-ground location and marking of trail segments.

CDNST route segments made up of already existing trails or primitive roads will be assessed as a part of the currently scheduled land management planning programs for National Forests and BLM Resource Management Units. The selection of the specific CDNST route will be made as a part of the land and resource allocation process and will become final upon approval of the unit plan. Figure 8a illustrates a sample of such a description in a unit plan.

Figure 8(a)

SAMPLE CDNST DESCRIPTION USED IN ANALYSIS OF THE MANAGEMENT SITUATION SECTION OF A FOREST LAND AND RESOURCE MANAGEMENT PLAN

Continental Divide National Scenic Trail

The National Parks and Recreation Act of November 10, 1978 established the Continental Divide National Scenic Trail Corridor. One hundred and thirty miles of this trail corridor are on the Gunnison National Forest. Of the 130 miles, 83 miles or 64 percent cross primitive and semiprimitive nonmotorized ROS class land, 19 miles or 14 percent cross semiprimitive motorized ROS class land, and 28 miles or 22 percent cross roaded natural ROS class land. The existing visual condition of the corridor is generally good to excellent, with 79 percent in existing visual condition class EVC of I and II.

Table 8 is a description of the various segments of the Continental Divide National Scenic Trail corridor.

CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL

Segment	Corridor Location Notes	Segment Length in Miles	Segment ROS Class	Segment EVC Class	General Notes
31	Timberline trail-lake pass to Texas Creek & Cottonwood Pass road	24	SPNM	II	Adjacent to Collegiate Peaks Wilderness.
32	Mirror Lake Rd.-Cottonwood Pass Rd. to Tincup Pass	5	SPM	II	Old Stage Rd.-Presently 4 wheel drive Rd.
33 thru 39	These 7 segments are located on the east side of the divide on the San Isabel National Forest. They comprise 24 miles of corridors.				
40	Trail 531-Monarch Pass to Marshall Pass	13	SPNM	II	Old railroad grade at Marshall Pass. Ski area at Monarch Pass (Seg. 39 & 40)
41	Road-Marshall Pass to Windy Peak Point	3	RN	III	4-wheel drive road & timber harvest are
42	Trail 486-Windy Peak Point to Cameron Park	9	SPM	I	Trail is on continental Divide. Cameron Park-1920 logging camp.
43	Road-Cameron Park to Jocks Creek Road	4.5	SPM	II	4-wheel drive road. Area logged 1910 to 1920.
44	Trail 486-Jocks Creek Rd. to Spanish Creek	14	SPNM	II	—
45	Road-Spanish Creek to Cochetopa Creek	25	RN	IV	Timber harvest area.
46	Trail-Up Cochetopa Creek to Miners Creek	28	SPNM	I	80% in La Garita Wilderness. 1st 6 miles are adjacent to Wilderness. Last mile is on the Rio Grande Nat. Forest.
47	Trail-Miners Creek to Stony Pass	37	P	I	15% adjacent to La Garita Wilderness. Only 5 miles on the Gunnison Nat. Forest

TABLE 8.

In situations where the unit land management plan is completed or scheduled for completion by June 30, 1985 (including units of the National Park system) the CDNST route selection will be done as an amendment to the plan by January 31, 1988.

In either case, the unit manager will include in the plan (as a part of the allocation decision) a map of the selected route and an estimated time table for formal recommendation as a part of the CDNST system. The location criteria under "c." above will be used as a basis for establishing the timetable for formal recommendation as a part of the CDNST system. The map(s) and estimated timetable for designation action will be submitted to the appropriate Regional Director by January 31, 1988 where land management plans are completed, or within 90 days following Plan approval in cases where land management plans are not completed until after January 31, 1988.

Agency land and resource management plans will reflect the following long-term goals for completion of the CDNST as a continuous recreation trail entity:

- Final location and marking of existing trail segments on Federal lands will be completed by September 30, 1990;
- Location and construction of connecting segments within the exterior boundaries of National Forests and National Parks will be completed by September 30, 2000;
- Location and construction of connecting trail segments on Bureau of Land Management lands and outside Federal areas will be planned for completion by the year 2020, or the end of the current planning horizon governing the appropriate Federal agency land management plan.

All actions concerning the final location, marking and establishment of the CDNST as a continuous route are subject to the allocation of agency funds by Congress and the Office of Management and Budget, and by the availability of donated funds or volunteer work received under the respective agency authorizations.

IV. MANAGEMENT POLICY AND DIRECTION

A. Goal

The goal of the following broad management policy and direction for the Continental Divide National Scenic Trail is to facilitate and insure the coordinated location, development, operation, and maintenance of a high quality (and eventually continuous) travel route, extending along or near the Continental Divide from Canada to Mexico, which will serve the following purposes:

1. Provide users the opportunities to view and experience examples of the great diversity of topographic, geologic, vegetative, and scenic phenomenon that characterizes the Continental Divide of the United States.

2. Provide users with opportunities to view, experience, and appreciate examples of prehistoric and historic human use of the resources along the Continental Divide; examples of the ways these resources on public land are being managed in harmony with the environment, as an asset to the existing character of the Continental Divide, and which will not detract from the overall experience of the trail.

3. Provide users with opportunities to participate in trail related outdoor recreation activities ranging from extended strenuous and challenging travel through vastly remote alpine and desert environments which demand high degrees of skill and self-reliance to leisurely enjoyment of short segments of trail easily accessible from transcontinental highways or popular resort areas.

4. Provide a linear recreation facility which will have a minimum adverse effect on adjacent natural and cultural environments; and harmonize with the management objectives of land and resource uses which are now or may be occurring on the lands through which the trail passes.

B. Management Policies and Direction

1. Location Criteria

a. Background

The BOR study found that much of the proposed Continental Divide National Scenic Trail exists now in the form of discontinuous trail and primitive roadways in National Forests and National Parks, and it would be located largely on public lands. Many of the existing segments of trail have long histories of recreation use. Under national scenic trail status, these segments could be joined to make a continuous and extended travelway offering the trail user a much greater range of options than are presently available.

It has been determined that a trail attempting to hold to the actual spine of the Continental Divide would be totally undesirable due to its hazardous character, narrow diversity of recreation appeal, extremely high costs, and because of the gross alteration of the natural environment which such an alignment would necessitate. It was thus concluded that the most suitable route for a trail -- still befitting its name -- would be as close to the Continental Divide as circumstances permit, but as far away as necessary to provide a safe trail which could be environmentally and economically justified and which would possess a wider diversity of recreation appeal.

For many of the same reasons, the construction of a totally new trail was also considered undesirable. The approach taken in the selection of the trail alignment for the Continental Divide Trail was, therefore, to include as many existing trails, primitive roads and other developed rights-of-way as possible so long as they met certain basic criteria and, where necessary, to recommend their improvement to national scenic trail standards.

b. Policy

The trail shall be located as close to the geographic Continental Divide as possible, but as far away as necessary to provide for safe travel and diverse recreation appeal, to be economically feasible and to keep environmental impacts to a minimum. Use public lands or existing public rights-of-way as much as possible. Accordingly, deviations from the Continental Divide shall be limited to the distance needed in order to take these considerations into account. Primary consideration will be for snow-free use, however, where oversnow travel is feasible and reasonably safe, such opportunities will not be curtailed.

c. Management Direction

(1) Two routes may be selected. One would be closed while the other is open. Appropriate situations would be:

(a) Season - A higher trail for summer use and a lower trail that could be used earlier and later in the year to extend periods of use and where existing trails allow this convenience with little additional cost.

(b) Safety hazards - A trail where a seasonal hazard, such as a snowfield exists. Another trail could be provided until the seasonal hazard ends.

(2) Use loop or side trails to access points of interest or supply points that are away from the main trail.

(3) Deviation from routes that more closely follow the geographic Continental Divide is acceptable under the following circumstances:

(a) Safety - When the degree of risk cannot be reduced to an acceptable level by public education and/or signing, or by facility design and construction. Examples are:

--Hazards that are not readily evident to the prudent, reasonably experienced hiker or skier (i.e., rockslide areas which may become unstable in wet weather or snow avalanche areas where winter use is anticipated).

--Drinking water is not reliably available within one or two day's hiking from one campsite to another, or within reasonable distance either side of the trail. In desert regions it is recognized that carrying sufficient water to travel between sources is usually necessary.

--Industrial activity presents potential safety hazards to users such as ongoing logging or mining operations, or prolonged exposure to vehicular traffic.

--Facility design and construction necessary to alleviate the hazard would result in unacceptable modification of the landscape or impose unacceptable costs for construction, or unusually high annual maintenance and operation costs on the managing agency.

--Water or air quality are at levels which would endanger the users' health and safety.

(b) Protection of critical biophysical environment - When the impacts of the trail location, or use, on wildlife, wildlife habitat, soil, vegetation, or other resources are of an unacceptable level. Examples are:

--Management situation 1 in grizzly bear habitat where evaluation determines that the trail or its use would not be compatible with grizzly habitat requirements (see Appendix H, Greater Yellowstone Grizzly Management Guidelines).

--Water quality would be unacceptably degraded by the location, construction, or level of use associated with the trail.

--Basic soil and/or vegetative cover or the visual resource would be unacceptably degraded by the expected types and amounts of use, and facility location and design could not provide adequate protection, or costs of protective facilities would be unreasonably high or visually unacceptable.

(c) Private land - Deviate around private land except where:

--A public right-of-way (ROW) exists and is acceptable and adequate to accommodate the expected type and quantity of CDNST use.

--Deviation around the private land would cause an unacceptable amount of new trail construction and maintenance costs in comparison to the total cost of ROW acquisition and facility construction necessary to cross the private land.

-- A public ROW would be normally acquired for other resource management purposes and coincidental to CDNST use of the ROW would be compatible.

--The private landowner volunteers to grant an ROW or easement for CDNST purposes.

(d) Access to significant cultural, historical, recreational, or scenic opportunities - When the deviation is consistent with the basic location policy and the benefits of the opportunities exceed those that would be available on a route closer to the Continental Divide. In many cases, a side trail accessing these opportunities may be preferable and give the CDNST user a choice of deviating or not.

(e) Restricted cultural and archeological sites - The trail should be routed to avoid sites that are designated to be protected and/or where public access is prohibited or restricted.

(f) Enhancement of nonmotorized recreation opportunities - When a route selection would provide a nonmotorized recreation experience without closing present motorized use opportunities and the nonmotorized route would provide essentially the same overall scenic and recreational attributes.

An example would be where current motorized road or trail use is occurring on the east side of the Divide and existing or reasonable potential nonmotorized trail opportunities are available on the west side of the Divide with essentially equal scenic qualities. The selected route should be on the west side.

(g) Unacceptable existing trails - Where existing trails need to be relocated for safety or resource protection purposes or when new trail segments are already planned as a part of the agency transportation plan which would better meet CDNST needs.

Existing trails or roads located further away from the Divide may be utilized as the CDNST on an interim basis until such time that planned relocation or new construction of a more appropriate route can be completed in the normal budgeting process. Where existing roads are utilized, they must be reasonably safe for passage by trail users and not expose them to frequent motorized traffic or be in violation of local laws or regulations.

(4) Unacceptable reasons for deviation from routes which more closely follow the geographic Divide.

The following are examples of reasons which do not justify significant deviation from the geographic Divide:

(a) Use of cross-country routes - Such routes are acceptable where CDNST travel can be safely and biologically accommodated through the use of cross-country routes marked periodically with marker posts or cairns.

Examples are long stretches of alpine, desert, or grassland terrain when relatively light use would not cause unacceptable environmental or visual degradation (although a footpath would undoubtedly become apparent) and unacceptable safety would not be encountered or created. Users would require warnings of such natural phenomena as lightning, wind and uneven walking surfaces.

(b) Safety - Where the degree of risk is of an acceptable level, and a reasonably experienced and prudent person would expect such risks from the natural circumstances and environment; and the risk can be reasonably brought to the attention of the user through public education and/or signing.

(c) Access to significant historical, recreational or scenic opportunities - Where the deviation is significant in distance or cost and/or the relative benefit derived from the opportunity is equal or less than that available on the alternative route closer to the Divide. Consider side trails to such area.

(d) Unacceptable visual conditions - Clear cuts, mineral or mining activity, etc. are acceptable as long as the route is safe. Where significant unacceptable Visual Condition Class conditions are deemed to exist and acceptable visual quality objectives for the foreground area along the trail cannot be expected to be achieved in 20 years or less, route deviations are justified. Costs of such deviations must be carefully considered.

(e) Costs - A less costly route must also provide essentially equal or greater scenic recreational opportunities than a more costly route located closer to the Divide. Exceptions may be made during the interim period before relocation or new construction of a preferred route can be implemented.

(f) Avoiding current high use areas - Appropriate management practices, other than relocation of the trail should be used to control the quantity of use within a given trail segment. Examples are:

--Notification to potential users that the segment is heavily used.

--Restrictions or rationing of use through registration or permits, where appropriate for designated Wildernesses, National Parks, or Special Areas.

--Limiting access to selected, controlled trailhead sites.

Where the land management agency cannot implement necessary management practices in the near future, temporary deviation around the high use problem areas may be appropriate if such action will not create additional resource degradation.

(g) Grizzly bear - When the trail would pass through management situation areas 2 through 5, as identified in the publication "Guidelines for Management Involving Grizzly Bears in the Greater Yellowstone Area" (Appendix H).

(h) Cultural and archeological sites - Where adequately protected.

2. Rights-of-Way Description

a. Background

It is provided for in 16 USC 1246 (a) that the Secretary of Agriculture select the rights-of-way for the CDNST and publish notice thereof in the Federal Register, together with appropriate maps and descriptions. The locations and width of such rights-of-way across Federal lands under the jurisdiction of another Federal agency shall be by agreement between the head of that agency and the Chief of the Forest Service. In selecting rights-of-way for CDNST purposes, the Chief shall obtain the advice and assistance of the States, local governments, private organizations, and landowners and land users concerned.

This statute can be complied with after the specific CDNST treadway has been selected in the agency land use planning process.

Relocation of the CDNST after initial rights-of-way selection and publication of notice in the Federal Register is provided in 16 USC 1246 (b). Segments may be relocated with the concurrence of the head of the Federal agency having jurisdiction over the lands involved, upon determination that: (1) such relocation is necessary to preserve the purposes for which the CDNST was established, or (2) the relocation is necessary to promote a sound land management program in accordance with established multiple use principles; PROVIDED, that a substantial relocation of the rights-of-way shall be by Act of Congress.

No previous criteria have been established on a national basis to determine when Congressional approval of a relocation would be required. The USDA Office of General Counsel, Rocky Mountain Region, with the general concurrence of the Regional Solicitor, USDI, Rocky Mountain Region, recommends that certain mutually agreeable guidelines be established to help determine when publication in the Federal Register and/or Act of Congress is needed, particularly as these actions pertain to future relocation actions following the initial location, and published notice, of segments of the CDNST.

Trail relocations on existing National Scenic Trails have been fairly common over time. If an appropriate width of rights-of-way is not established and published initially in the Federal Register and in Agency Land Use Plans, a cumbersome amendment process will likely result with the associated delays and costs. It also seems unlikely that Congress will be interested or wish to be involved with relatively insignificant relocation brought about through agency management actions or to enhance or protect the trail experience.

With this background, the CDNST Advisory Council recommended that a "zone of concern" be established which extended up to 50 miles either side of the geographical divide. This zone would encompass nearly all feasible existing trails and rights-of-way which could be used as segments of the CDNST, and when used in conjunction with the Location Criteria (sec. B 1) would be within acceptable limits of intent in establishing the CDNST according to P.L. 95-625 (November 10, 1978).

b. Policy

(1) The "zone of concern" regarding the location of the CDNST is considered to be that area of the Rocky Mountains laying 50 miles either side of the geographical continental divide.

(2) Initial location and any subsequent relocations of segments of the CDNST may occur within the zone of concern without further Acts of Congress, provided that such locations or relocations are in accordance with (a) the Location Criteria set forth in section B 1 of the CDNST Comprehensive Plan, and (b) the appropriate Federal, State, or local government land use management direction for the affected area.

(3) The Chief of the Forest Service will have published a notice of location or relocation of CDNST segments in the Federal Register in accordance with 16 USC 1246 (a) and (b).

(4) Relocation of the CDNST treadway within a described ROW will not require a Federal Register notice.

Figure 9 gives a diagrammatic illustration of the zones and rights-of-way discussed above.

The establishment of the zone of concern and rights-of-way for the CDNST are to be used for definition purposes only and to aid in compliance with 16 USC 1246 (a) and (b). The establishment of these zones or rights-of-way will not dictate the management practices and uses of the lands involved. The specific management prescriptions and practices developed in agency land use plans or in formal agreements with owners of non-Federal lands will prevail on lands adjacent to the CDNST.

c. Management Direction

(1) Location

Recommendations for location of trail segments as a part of the CDNST will be accompanied by a Location Report. The advice and assistance of the States, local governments, private organizations, landowners, and land users concerned will be actively sought out and made part of the development of the Location Report. The report will contain at least the following:

1. CDNST Zone of Concern

The zone of concern is the broad area paralleling the geographical Continental Divide which contains the alternative routes and most of the connecting side trails which can logically be considered as a part of the CDNST system. This area can be from several miles to not more than 50 air miles on either side of the geographic divide. The purpose of this zone of concern is to define the area in which the Secretaries of Agriculture and Interior, in consultation with agency heads, may locate the components of the CDNST system in accordance with the established location criteria and without being considered a "substantial relocation" requiring an act of Congress (16 USC 1246 (b)). The establishment of a zone of concern is for definition purposes only and does not affect the management practices and public or private uses of the lands within the zone in any manner.

Zone of Concern

(In this example, the zone of concern coincides with the National Forest boundary for ease of description.)

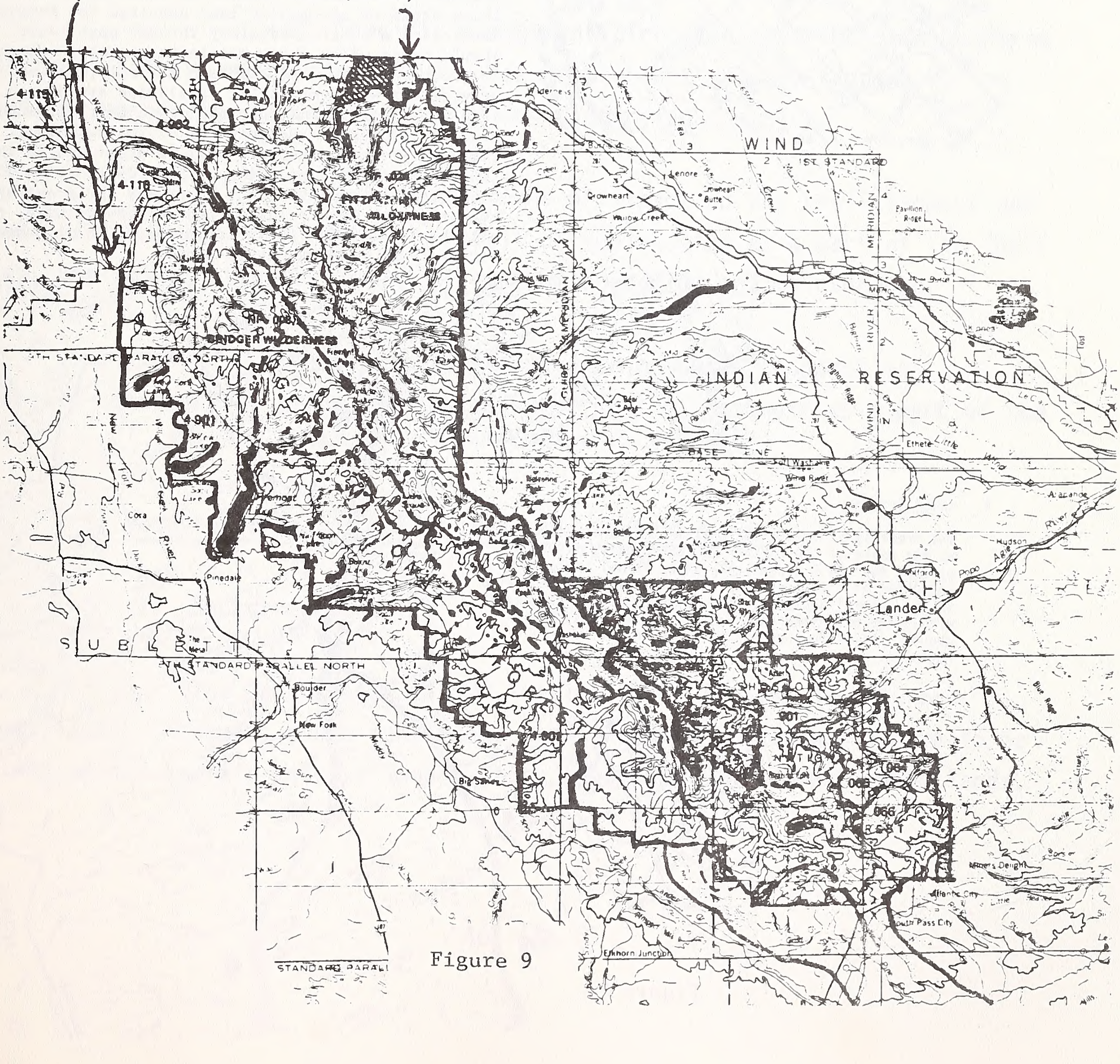
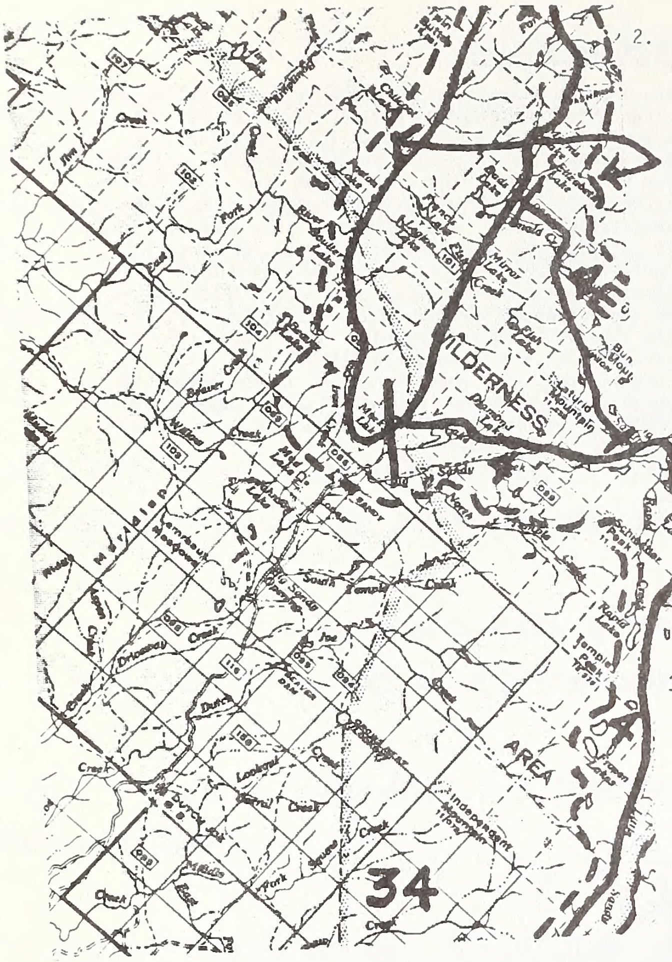


Figure 9



2. CDNST Right-of-Way on Public Lands

The public land right-of-way for the CDNST is that area either side of the CDNST treadway which is broad enough to accommodate anticipated relocations of the CDNST tread as may be necessary to provide a safe and environmentally acceptable trail location. This is the right-of-way which is described in the Federal Register announcements of established segments of the CDNST system. Subsequent relocation of a trail segment outside this right-of-way requires notification in the Federal Register by the Chief of the Forest Service (16 USC 1246 (b)). If the right-of-way is subsequently relocated within the zone of concern, notification in the Federal Register is required but no act of Congress.

3. Acquired Rights-of-Way for the CDNST

The rights-of-way or easements which are acquired from private landowners by Federal or State agencies are those areas of non-public land acquired for purposes of developing a public travelway through such lands. They should be no wider than what is reasonably necessary to locate, construct, and maintain a trail tread and to provide for whatever public facilities are deemed necessary to safely accommodate the trail user and adequately protect the rights and property of the landowner. These rights-of-way or easements will be described in the Federal Register, including a clear description of the conditions of use which may accompany the granting of such rights. When a legal right-of-way is used, there will be no need for the description of the broader right-of-way used on public lands.

4. CDNST Treadway

The treadway is the actual trail established and marked as the route of the CDNST. It can actually exist as a part of the CDNST system only after formal approval by the Chief of the Forest Service and publishing of notice in the Federal Register. The treadway may be relocated within the described right-of-way (definitions 2 and 3 above) without further notification in the Federal Register.

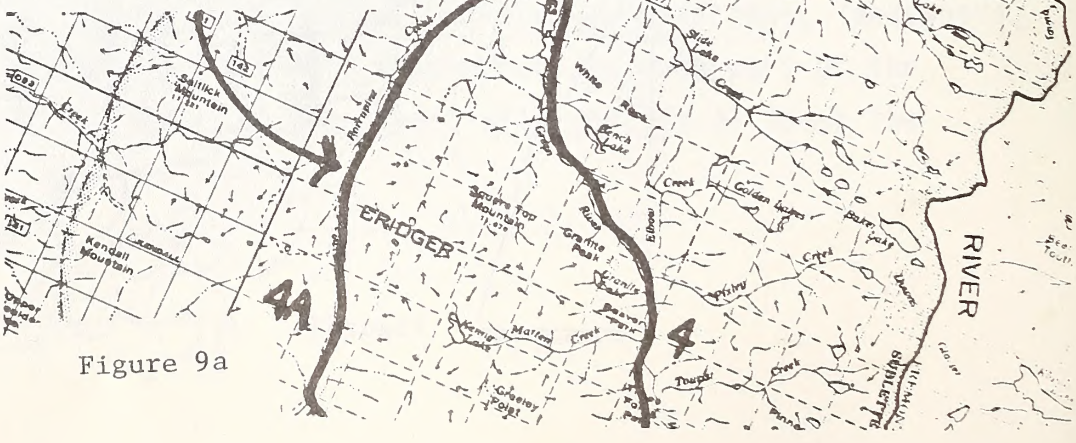


Figure 9a

(a) An approval page. Include signature and title of appropriate unit managers and State or local government officials that may be involved. Include space for appropriate Agency head signatures and signature of the Chief of the Forest Service.

(b) Detailed location description of the recommended segment, including maps, which meet the criteria necessary for publishing in the Federal Register.

(c) Brief general description of the trail segment, including types of management areas, private lands, physical environment, unique features, ROS class(es), associated cultural or historic features, and current types and kinds of use.

(d) Specific management direction covering such items as protection, safety, maintenance, rules and regulations needed, signing, associated recreation facilities, and planned carrying capacity.

(e) Brief assessment of impact on the trail segment and associated lands and resources as a result of designation as a part of the CDNST system, including estimates of annual cost of operation and maintenance.

(f) Copies of executed or proposed cooperative agreements necessary to establish and operate the trail segment as a part of the CDNST.

3. Rights-of-Way Acquisition on Non-Federal Lands

a. Background

The Continental Divide Trail will be located largely on Federal lands. However, for a continuous trail, rights-of-way would have to be provided across certain private lands, State, and local Government-owned lands.

Approximately 570 linear miles of trail across non-Federal land would be involved in the Continental Divide Trail, concentrated largely near the Continental Divide within the Great Divide basin in Wyoming and the mountains and range lands of northern and western New Mexico.

(1) Acquisition of Rights-of-Way

(a) Lands within exterior boundaries of federally administered areas. 16 USC 1246 (d) provides the authority for the Forest Service and the National Park Service to acquire rights-of-way within the boundaries of the 25 National Forests and 3 National Parks crossed by the trail. The methods provided for by this section authorize acquisition of lands and interests in land only by cooperative agreement, donation, purchase with donated or appropriated funds, or exchange. Authority to acquire rights-of-way therein through condemnation is found in 16 USC 1246 (g). This authority may only be utilized in cases where the appropriate Secretary determines that all reasonable efforts to acquire such rights-of-way therein by negotiation have failed. In such cases acquisition is limited to only such title as is reasonably necessary to provide passage across such lands.

(b) Lands outside of exterior boundaries of federally administered areas. Much of the land in the trail segments located between the south boundary of the Bridger-Teton National Forest and the north boundary of the Medicine Bow National Forest in the Great Basin of Wyoming is privately owned. This is the area of checkerboard ownership where alternate sections of land are in private ownership with the remaining land, for the most part, public land administered by the BLM. While this land is administered by a federal agency, it does not have proclaimed boundaries in the sense that national parks, monuments, wildlife refuges and National Forests do.

The study reports prepared by the Bureau of Outdoor Recreation for the Continental Divide Trail contemplate administration of this segment of the trail by the BLM and not the State of Wyoming. The 1983 amendment to the National Trails System Act authorizes the Secretary of Agriculture to encourage States to establish and administer segments of the Trail which cross non-Federally owned land. It also provides for a Cooperative Agreement between the Secretary and Federal and non-Federal agencies for the management of the CDNST. A draft agreement to use as a guide is shown in Figure 10. Such an agreement provides for State and private administration of significant non-Federal areas and provides for a State management plan.

While Congress has authorized the creation of the Continental Divide Trail, it did not authorize the expenditure of funds for lands acquisition for the trail until 1980 (P.L. 96-199), and then only for land within exterior boundaries of Federal areas (16 USC 1249 (c) as amended by the Act of March 5, 1980, 94 Stat. 68). See also the comments in the Congressional Record for February 20, 1980 at p. 41083:

> "In section 101(b), the Senate has made a constructive correction of a flaw in the National Trails System Act which was made by Senate amendments adopted last Congress. The Senate correction restores the ability Federal agencies to make needed acquisitions for trail purposes within existing Federal areas. I understand that this would apply to Federal areas with specified external boundaries, such as National Forests, but is not to be construed as permitting Federal acquisition in undefined areas of Federal lands such as are managed by the Bureau of Land Management. The amendment also permits Federal matching grants to be used by State or local governments for trail purposes."

(c) The announced policy of the Department of Interior is not to acquire any additional land for public ownership except in unusual circumstances. Accordingly, it appears unlikely that there will be any land for the trail acquired by the Department of the Interior for the foreseeable future.

COOPERATIVE AGREEMENT
BETWEEN
U.S.DEPARTMENT OF AGRICULTURE
AND THE
STATE OF (NAME)
CONCERNING THE CONTINENTAL DIVIDE
NATIONAL SCENIC TRAIL

This Cooperative Agreement ("Agreement") is entered into by and between the U.S. Department of Agriculture ("Agriculture") and the State of (Name).

I. AUTHORITIES

The Agreement is developed under the following authorities:

A. The National Trails System Act, 16 U.S.C. 1241. et. seq. as amended by the National Parks and Recreation Act of 1978, 92 Stat. 3511, 16 U.S.C. 1244(a) (4).

B. Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4201 et. seq.).

II. PURPOSE

The purpose of this Agreement is to provide the basis for interagency cooperation between Agriculture and the State concerning the comprehensive plan for the Continental Divide National Scenic Trail (CDNST). State coordination shall be through (the appropriate State agency).

III. BACKGROUND

The National Parks and Recreation Act of 1978, 92 Stat. 3511, 16 U.S.C. 1244(a)(4) amended the National Trails System Act ("the Act"), to establish the CDNST. The Act places responsibility for administering the Trail with the Secretary of Agriculture ("Secretary"). The Act authorizes the Secretary to encourage and to assist State, local or private entities in establishing, administering and protecting those segments of the Trail which cross non-Federally owned lands. In furtherance of that objective, the Act provides that cooperative agreements between Agriculture and cooperating Federal and non-Federal agencies may be written for marking the Trail, establishing rights-of-way, and developing and maintaining facilities. Pursuant to the Act, the comprehensive plan for the CDNST outlines objectives and practices to be observed in managing the Trail provides for State or local government management of non-Federal segments and procedures for formal location and the process to mark the Trail. The Governor of the (name of State) and appropriate State agencies were fully consulted in the preparation and approval of the plan.

II. RESPONSIBILITIES

Figure 10

In accordance with the State management plan for the non-Federal segments of the CDNST, the State will be the primary entity to coordinate the administration, marking, and maintenance of the non-Federal portions in (State).

A. The U.S. Department of Agriculture and the State of (name) mutually agree to:

1. Establish individual coordinators within each administering agency for Trail administration activities.

2. Adopt the CDNST Comprehensive Plan for the Federal land segments, and to manage the Trail's resources as appropriate and feasible.

3. Keep each other informed and to consult periodically on management problems pertaining to the CDNST, including consultation with the CDNST management with the planning of programs for other units of the National Trails System, State rivers and trails systems and other land use programs.

4. Subject to the availability of funds and personnel, provide assistance at the request of either party for the planning and development of facilities, negotiation of easements or protective covenants, acquisition of land on a willing seller/willing buyer basis, and the administration of the Trail.

B. Agriculture agrees to:

1. Designate the Forest Service as the Federal Agency to carry out the Department's responsibilities, as appropriate concerning the Trail.

2. Provide the State of (name) with an initial set of CDNST markers and signposts in accordance with the marking program established in the Comprehensive Plan for the CDNST.

3. Publish a notice of the CDNST right-of-way on Federal lands in the Federal Register.

4. Coordinate all CDNST activity in (name of State) through its appropriate State Trails Coordinator.

5. Designate the State as the initial contact with private landowners on all matters concerning the CDNST.

6. Notify the State Trails Coordinator, in writing, prior to any second contacts with private landowners developed under Item B(5) above.

Figure 10a

C. Subject to (a) availability of funds, (b) availability of manpower, and (c) priorities as established by the State for the expenditure of those funds and manpower, the State of (name) agrees to:

1. Mark the CDNST route with an initial set of markers and signposts furnished by the Forest Service, and marked according to the marking process identified in the Comprehensive Plan for the Trail.

2. Maintain the CDNST markers erected under Item C.1., above, according to the standards in the Manual of Uniform Traffic Control Devices and at no expense to the United States.

3. Develop and administer a State management program for the non-Federal segments of the CDNST.

4. Coordinate the State management program for the CDNST with the Federal CDNST Comprehensive Plan.

V. NONDISCRIMINATION

During the performance of this Agreement, the cooperators agree to abide by the terms of Executive Order 11246 on nondiscrimination and will not discriminate against any person because of race, color, religion, age, sex or national origin.

VI. OFFICIALS NOT TO BENEFIT

No member of or delegate to Congress, or resident Commissioner, shall be admitted to any share or part of this Agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

VII. AMENDMENT

Amendments to this Agreement may be proposed by either party and shall become effective upon written approval by both parties.

VIII. LIMITATIONS

Nothing in this Agreement will be construed as limiting or affecting in any way the authority or legal responsibility of the Department of Agriculture or of the State to perform beyond the respective authority of each, or to require either party to expend funds in any contract or other obligation for future payment of funds or services in excess of those available or authorized for expenditure.

IX. Either party of this Agreement may terminate this Agreement at any time with sixty (60) days written notice to the other party.

Figure 10b

X. EXECUTION

In witness thereof, the parties hereto have executed this Agreement as of the last date written below:

Secretary of Agriculture	Date
Governor, State of (Name)	Date

Figure 10c

(2) Condemnation

16 USC 1246 (g) authorizes the Secretary to acquire rights-of-way by condemnation without the consent of the owner. However, before such authority may be used, all reasonable efforts to acquire the lands by other means must have failed. This section does not distinguish between lands located within or outside of boundaries of federal areas. Accordingly, the Forest Service, BLM, and the NPS have authority to condemn needed lands. However, as mentioned above, Congress has directed that no funds be used for acquisition of lands outside the boundaries of any federally administered area, 16 USC 1249 (c). This prohibition precludes use of condemnation by the BLM and the Forest Service outside of exterior boundaries since no funds are available. Stated Departmental policy against land acquisition by the NPS would also preclude acquisition of inholdings within NPS system area at the present time. It should be noted that there appear to be no private inholdings affected by the CDNST within the NPS areas.

b. Policy

(1) Within the National Forests, every effort will be made to avoid crossing lands of other ownership with new trail segments which are primarily intended as connecting links for the CDNST. Where such crossings are deemed necessary, the acquisition of appropriate easements or rights-of-way will be accomplished under the existing authorities available to the agency for these purposes.

(2) Every effort will be made by each agency to utilize existing public rights-of-way or easements for existing trails or primitive roads in locating a continuous route for the CDNST.

(3) An easement or right-of-way acquired or utilized for CDNST purposes will primarily be only a travelway to enable the trail user to pass quickly through the non-public lands. Except in very unusual cases, trailhead and camping facilities will be located on Federal, State, or local government public lands.

(4) Use of condemnation authority for acquisition of rights-of-way used primarily for CDNST purposes will be used only as a last resort.

c. Management Direction

(1) Each Federal or State agency will use the most appropriate existing authorities for acquiring lands or rights in lands for CDNST purposes.

(2) Where lands included in the intended CDNST right-of-way are outside the exterior boundaries of federally administered areas, the appropriate agency head or his authorized representative will encourage the State or local governments to enter into written cooperative agreements with landowners, private organizations, and individuals to provide the necessary trail right-of-way.

(3) If the State or local governments do not enter into such written cooperative agreements or acquire such rights-of-way easements, the appropriate agency head may enter into such cooperative agreements with the landowners for the use of the lands for trail purposes; or acquire the necessary lands or interests in lands under the most appropriate acquisition authority available to the agency.

(4) In selecting the rights-of-way, full consideration will be given to minimizing the adverse effects of the trail and its use upon the adjacent landowner or user and their operations. Development and management of each segment of the CDNST crossing lands of other ownership shall be designed to harmonize with and compliment any established use of the lands in order to insure continued maximum benefits from the land.

4. Visual Resource Management Along the CDNS

a. Background

16 USC 1246 (a) provides in part: "That in selecting the rights-of-way (for the CDNST), full consideration shall be given to minimizing the adverse effect upon the adjacent landowner or user and his operation. Development and management of each segment of the National Trails System shall be designed to harmonize with and compliment any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land."

Ironically, the mention of applying Visual Resource Management (VRM) objectives and techniques to the CDNST cause one of the greatest areas of concern among both land managers and the affected using public. This is primarily because of misunderstanding of the principles and objectives of VRM. In reality, the application of VRM in relation to the purposes of a National Scenic Trail offers the most feasible and acceptable compromises between potentially conflicting resource use.

The quality of the visual environment has become increasingly important to the American public. The Forest Service and Bureau of Land Management are committed to managing visual resources on an equal basis with all other resources. Both agencies employ essentially the same VRM system except that there are some differences in nomenclature.

Visual Resource Management has dual purposes to manage the quality of the visual environment, and to reduce the visual impact of development activities while maintaining effectiveness in all agency resource programs. VRM also identifies scenic areas that warrant protection through special management attention. It is a specific process that can be mapped and incorporated into design planning for projects ranging from siting energy resource projects and transmission lines to harvesting timber.

The classification of a "Sensitivity Level 1" (FS) or a "High Sensitivity Level" (BLM) will result, in most cases involving the CDNST, in visual quality objectives of "Retention" (FS)/Class 2 (BLM) and "Partial Retention" (FS)/Class 3 (BLM). Under both these objectives, most resource management activities and industrial uses of the public lands can be accomplished at full target levels if reasonable care is taken in the project planning and design stages. More detailed explanations of the objectives and their impacts on other uses follow:

(1) FS Retention/BLM Class 2

"This Visual Quality Objective provides for management activities which are not visually evident."

Whether or not most activities are visually evident depends on the observer position and the activity. It is unrealistic to expect that a road would not be visually evident to the driver, that a building would not be visually evident to those within a few feet of it, that a power transmission tower would not be visually evident to a person standing 25 feet away, or that a stump would not be visually evident to a person within 5 feet. However, when viewed from middleground and background distances, these features should not be visually evident.

This does not relieve the land manager from taking all practical steps to blend the management activities into the landscape at nearby distance.

To meet Retention VQO in foreground ordinarily requires stumps to be cut low, and in many cases, that a shovelful of soil and litter be thrown upon the fresh-cut face, that almost all of the slash and other debris be removed, and that skid trails or other unnatural disturbances to the terrain be acted upon so that they are not visually evident. The power transmission tower in Retention foreground should be carefully located to take advantage of natural screening and painted or treated to reduce color contrast, if indeed it must be located in this critical area.

For Retention middleground, it ordinarily would not be necessary to cut stumps low, take action to blend fresh-cut stump faces, remove much of the slash or obliterate all skid trails to meet that Visual Quality Objective. It still would be necessary to carefully locate power transmission towers to take advantage of natural screening, and in most cases, they should be painted or treated to reduce color contrast. The most difficult thing in this case is to blend the clearing.

For Retention background, the only precaution about stumps and slash would be that windrowed slash or yarded cull logs would most ordinarily not meet the Visual Quality Objective. Transmission towers in Retention background should avoid silhouetting but painting would seldom be necessary. Blending of clearing would be critical but not nearly as demanding as in middleground.

One possible test of meeting the Retention VQO for roads and structures is that the average public would not be able to detect any sign of the management activity without having it pointed out when viewed from one-quarter to one-half mile distance.

Development of prescriptions and designs to meet these objectives is the responsibility of the Land Managers. Although some generalized prescriptions may be appropriate, each site and management activity is somewhat unique and requires specific prescriptions. Such prescriptions will vary according to foreground, middleground, and background distance zones that apply.

(2) FS Partial Retention/BLM Class 3

This Visual Quality Objective (VQO) provides that management activities remain visually subordinate to the characteristic landscape.

As in the Retention VQO, it is unrealistic to expect that such things as roads, buildings, and transmission towers will meet the Partial Retention VQO when viewed in the immediate foreground; but they should fit that definition when viewed from one-quarter to one-half mile distance. Yet every practical step must be taken toward meeting that objective at nearby distances.

One possible test of meeting the Partial Retention VQO is that the average person may detect the presence of a management activity without having it pointed out to them, but that it would not have enough contrast to form a new focal point or focal area when viewed from a middleground distance. When viewed from background distances, that same management activity should not be evident.

b. Policy

Visual Management System. National Forest and Bureau of Land Management managers will apply the Visual Management System as outlined in FSM 2380 and BLM Manual 8411, respectively. Visual Quality Objectives will be determined as a first step. Following this, they will determine the highest VQO which can be achieved consistent with legislative direction that established the trail and existing land use plans. This achievable VQO will be incorporated as management direction. It may, in some cases, be more or less than the level originally inventoried using the Visual Management System.

c. Management Direction

P.L. 90--543, 16 USC 1246 (a) provides that the presence of the Continental Divide National Scenic Trail (CDNST) shall not preclude the application of normal management practices in its zone of concern. The visual resource, as seen from the trail, must be considered in agency Land and Resource Management Planning (Natural Forest Management Act of 1976 (16 USC 1600 (note) and Federal Land Policy and Management Act of 1976 (43 USC 1701 (note)) and in specific project planning and design. An accurate inventory of the existing visual quality conditions and established visual quality objectives is the essential starting point from which to assess viable resource management alternatives in Land Management and Project Planning. Such planning will subsequently determine the actual visual resource objective that should be achieved to meet the specific management objectives for the management unit involved. Inventorying the visual quality objectives does not set management direction. The land and resource planning process is used to determine whether to adopt the inventoried or other alternative level of visual quality objectives or whether to consider relocation of the CDNST if that should be the most viable alternative.

(1) On National Forest lands, the visual resource inventory will follow the procedures outlined in Forest Service Manual, Chapter 2380 and appropriate handbook guidelines. The inventory shall be considered on the basis that the CDNST is classed as a Sensitivity Level 1 travel route and will be performed as if the trail exists even in sections where it is proposed for construction or reconstruction.

(2) On public lands administered by the Bureau of Land Management, the visual resource inventory will follow the procedures outlined BLM Manual Sections 8411 (Upland Visual Quality Inventory) and 8431 (Visual Resource Contrast Rating). The inventory shall be conducted on the basis that the CDNST is rated as a "high sensitivity level" travel route, and will be performed as if the trail exists even in sections where it is proposed for construction or reconstruction.

(3) Within lands administered by the National Park Service and on most lands within the National Wilderness System, a visual resource inventory will not be necessary. Exceptions to this would be where specific project proposals within the foreground or middleground of the seen area (as viewed from the trail) would affect the existing visual condition class. Either of the Forest Service or the BLM procedures may be used to conduct visual resource inventories on these lands as may be necessary.

(4) In areas where two or more alternative routes have been identified, the inventory shall consider each alternative routing. The results of the inventory most likely will contribute significantly to the decision on which route should be recommended for formal designation in land management planning.

5. Recreation Resource Management Along the CDNST

a. Background

Eventual location of a 3100 mile Continental Divide Trail from Canada to Mexico will provide the American people with recreational opportunities of national significance. The trail, managed and administered within the guidelines for national scenic trails and the land and resource management policies of the respective agencies will further the national goal of promoting public enjoyment and appreciation of our scenic outdoor areas.

The trail will make available numerous additional outdoor recreation experiences. Trail users will be able to wind their way through some of the most spectacular scenery in the United States and have an opportunity to enjoy a greater diversity of physical, social, and managerial settings than found on any other extended National Scenic Trail. The route of the Continental Divide Trail will cross five ecological life zones where visitors will find most of the topography, climate, vegetation and wildlife for which the Rocky Mountain West is noted.

The areas through which the trail will pass are also rich in the heritage and life of the Rocky Mountains and the southwestern United States. The trail traverses lands of historical and cultural importance. It will provide the recreationist with examples of past periods of American development, examples of the many ways in which we now use our lands, as well as ways in which we could make better use of our resources through public awareness and appreciation of environmental relationships and good resource management practices.

Both the Forest Service and the BLM use the Recreation Opportunity Spectrum (ROS) system as a basis for inventorying and managing the outdoor recreation resources on the National Forests and BLM lands. Under this system, the capability and feasibility of given areas of land to provide the opportunity for generally described types or classes of outdoor recreation experiences is identified. The agency's land and resource management plans then provide specific direction and management practices to be used to maintain the existing recreation opportunities or to modify them to meet indicated needs and demands within the planning area. The following table shows an estimate of the number of miles of the CDNST that would pass through various recreation opportunity class area.

ESTIMATED CDNST MILES BY JURISDICTION AND RECREATION OPPORTUNITY CLASS

SRU	MILES BY JURISDICTION					ROS CLASS														
						Primitive		Semiprim. Nonmotor.		Semiprim. Motorized		Roaded Nat.		Rural		Wilderness		Motorized	
	BLM	FS	NPS	State /Pvt	Total	Mi.	%	Mi.	%	Mi.	%	Mi.	%	Mi.	%	Mi.	%	Mi.	%
1B	-	444	95	42	581	244	42	186	32			46	8			354	61	46	8
1A		39			39	31	80	8	20							31	80		
*1A&4B	50	252		8	310	59	19	16	5	233	75	3	1			25	8	236	76
4A		101	65		166	123	74			43	26					123	74	43	26
4-2D		126			126	32	25	58	46	36	29					90	71	36	29
2E	147	43		93	283	14	5			269	95					14	5	269	95
2F		115		10	125	50	40			75	60					28	22	26	21
2I		129	32	20	181	69	38	83	46	20	11			9	5	11	6	29	16
2J		232		7	239	36	15	122	51	22	9			60	25	81	34	139	58
3-2L		86			86	52	61	26	30					8	9	52	61	22	25
3-2K	25	220		142	387	145	37					121	50	121	50	81	21	152	39
3E	157	100		248	505	25	1			227	49	253	50			25	5	354	70
Totals	379	1887	192	570	3028	880	30	499	17	926	31	422	14	198	8	915	30	1352	45

The National Park Service and State or local government outdoor recreation and park agencies may or may not use the ROS as a part of their recreation resource planning and management systems. However, the recreation opportunities provided by these agencies can easily be correlated and described in terms of ROS settings. Therefore, for purposes of uniformity throughout the trail corridor, the settings and experience opportunities have been described using the ROS terminology.

b. Policy

(1) Forest Service and Bureau of Land Management managers will classify the CDNST opportunities based on the existing and/or proposed Recreational Opportunity Spectrum (ROS) Classes through which the trail passes. Both agencies will use established ROS inventory and management direction currently being used in their respective land and resource management planning to develop management prescriptions which will provide the physical, social, and managerial settings deemed appropriate for the CDNST segments within their jurisdiction. The National Park Service and appropriate State or local agencies will describe the recreation opportunities provided as a result of their respective land management practices in ROS terminology for uniformity in public information concerning the CDNST.

(2) Each agency will manage the CDNST in accordance with the recreation management objectives and prescriptions set forth in their respective land and resource management plans for the specific management area through

which the trail passes. In the course of periodic reporting concerning the development and management of the CDNST, each agency will indicate any changes in recreation opportunity settings for their respective trail segments.

c. Management Direction

(1) Primitive: Trail segments within this ROS class objective will provide users with a primitive recreation experience. These segments are set in an essentially unmodified environment. Evidence of humans would be unnoticed by an observer traveling through the area. The trail should be at least 3 miles from all roads, railroads, or trails with motorized use. 7/ Places for camping will be available and rudimentary facilities for overnight camping may be provided outside designated wilderness. Inside wilderness there will usually be no facilities provided.

Interactions between users will be minimal, usually less than six parties per day encountered on the trail and less than three parties visible at any campsite. The user will enjoy maximum opportunity for solitude and testing of outdoor skills. Feelings of regulation will be minimized to the greatest extent possible. Feelings of physical achievement and self reliance will be an important part of the experience offered.

Units of the National Wilderness Preservation System are found within this ROS class. Management of the trail in wilderness is subject to the criteria approved for wilderness and to each wilderness management plan. Since the management approach to wilderness is to minimize restraint and obvious regulation, rules for behavior and other needed information will be available to the user prior to entry.

(2) Semi-primitive Nonmotorized: Trail segments in this category will have as their primary objective the provision of a near primitive

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7/ In places where other natural features such as steep elevation, dense vegetative cover or highly dissected topography provides the same degree of remoteness, the 3 mile distance may be waived.

wildland environment. The trail will have a natural setting which may have subtle modifications that would be noticed but not draw the attention of an observer traveling through the area. The trail will be at least one-half mile from all roads, railroads or trails with motorized use. Therefore, the opportunities for direct public motorized recreation access will not be provided.

Except in designated wilderness, camp sites may be provided with rudimentary improvements.

Users may usually expect no more than 6-15 parties per day encountered on the trail and 6 or less parties visible at campsites. Opportunities for solitude and exercising outdoor skills will be present, but the areas are not as remote as in the primitive class.[8]

(3) Semi-primitive Motorized: Trail segments in the ROS class will be in a natural setting which may have moderately dominant alterations but will not draw attention, as would be judged by motorized observers on trails and primitive roads within the area. The trail may be accessed by primitive roads or motorized trail routes no more frequently than one-half mile intervals. Roads, better than a primitive standard, may be no closer than one-half mile from the trail.

Campgrounds available along these sections may have more highly developed facilities for resource protection and comfort and convenience of the user. Such amenities as vault or chemical toilets, enclosed fireboxes, and wood tables may be provided.

User interaction along these segments will be low to moderate in frequency. [8] The user may experience more control and regulation but will still have a feeling of achievement, adventure, and a release from the dominance of human structures or noise.

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[8] Specific numbers must be developed to meet regional or local conditions.

In certain designated segments, motorized use of the CDNST itself is not permitted but motorized travel is permitted on adjacent or crossing trails and roads. Campsites are usually serviced by motorized equipment and also available for use by the public using off road vehicles.

(4) Roaded Natural: Trail segments in this ROS class pass through areas where the natural setting may have modifications which range from being easily noticed to strongly dominant to observers within the area. From sensitive travel routes, 9/ such as the CDNST, these alterations would be located and designed to meet the visual quality objectives outlines in Section 4B, item 4. Roads, better than primitive, or railroads may cross the trail but no more frequently than one-half mile intervals. The most highly developed campgrounds along these segments may have tables, enclosed firebox or charcoal grills, vault or flush toilets, and litter containers.

User interaction may range from moderate to high on principal access roads and low to moderate on trails and local roads. There will be little opportunity for a feeling of remoteness and the presence of nonrecreational activities may result in a need for more signing for information and regulations. This ROS class fits well in those situations where good roads make access easy for people with a variety of interests and motivations.

In certain designated segments, motorized use of the CDNST itself is not permitted but motorized travel is permitted on adjacent or crossing trails and roads. Campsites are usually serviced by motorized equipment and also available for use by the public using off road vehicles.

(5) Rural and Urban: Trail segments in this ROS class pass through areas where the natural setting is culturally modified to the point that it is dominant to the travel route observer. The setting may include pastoral, agricultural, intensively managed wildland resource landscapes or utility corridors. The more urban settings may be dominated by structures with the natural elements playing an important but visually subordinate role. Trail

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9/ Sensitivity level 1 and 2 travel routes from Visual Mangement System, USDA Handbook 462.

users may constantly be in view of culturally changed landscapes. Motorized access or crossing of the trail may be more frequent than one-half mile intervals. Developments along the trail may include trailheads, parking facilities, and private services.

Campgrounds along these segments of trail may be highly developed with facilities including flush toilets, service centers, and showers. User interaction may be moderate to high along the entire trail segment. The primary objective here is to provide the user with a safe continuous trail link between other ROS class segments. These sections of trail will generally be as short as necessary to allow passage across or under highways and railroads or passage through developed areas. Private property or safety considerations may dominate local alternatives requiring fencing or rights-of-way , use of cattle guards, and gates. In some situations, constructed barriers to prevent motor vehicle trespass will be present. Signing for safety, interpretation, and regulations may be frequent.

(6) Private Land Rights-of-Way or Easements: Trail segments in this category provide the user with a safe continuous trail link between other trail segments. They have as their primary purpose the safety, protection, and convenience of the user. Evidence of civilization usually is predominant with the recreation opportunity pointed to allowing passage of recreationists in a safe, convenient manner. These segments will generally be as short as necessary to allow passage across or under highways and railroads or passage through developed areas. Private property or safety considerations may dominate location alternatives requiring fencing of rights-of-way, use of cattle guards, and even gates. In some situations, constructed barriers to prevent motor vehicle trespass will be present.

6. Motorized Use on the CDNST

a. Background

The 1968 National Trails Act intended that National Scenic Trails be established primarily for hiking and horseback use; motorized vehicular use is specifically prohibited by the National Trails Act. However, in response to the recommendations by agency trail planners and the BOR Study Report, the 1978 amendment specifically provides for motorized use on those portions of the CDNST where such use is in existence at the time of designation (sec. 551 (9) of P.L. 95-625 (11/10/78) and 16 USC 1246 (c)).

The 1983 amendment further expands and specifies the trail uses and activities which may be allowed on designated components of the National Trails System (including National Scenic Trails). These uses and activities include, but are not limited to, the following: bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long distance backpacking, snowmobiling, and surface water and underwater activities. Vehicles which may be permitted on certain trails may include, but are not limited to, motorcycles, bicycles, and four-wheel drive or all-terrain vehicles. In addition, trail access for handicapped individuals may be provided. It is the intent of this amendment that while it is desirable to expand the idea of a National Trails System to include all types of trail users and activities, it is not the intent that all trails in the system be open to all uses. The restrictions on or acceptance of specific types of activities or uses will be in accordance with the recreation and other land management objectives established for specific management areas in the agency land and resource management plans, or as assigned to in specific land use agreements with non-Federal landowners.

At the time the Study Report was completed (1976), it was estimated that approximately 424 miles (14 percent) of existing primitive road rights-of-way would be included in the proposed CDNST alignment. The 1982 inventory and description of the existing trail and primitive road segments which are available as alternative segments of the CDNST indicate that approximately 1348 miles (45 percent) of the proposed route is presently open to motorized use or passes through areas open to such use (see figure 2). The location criteria adopted by the CDNST Advisory Council provides for the use of existing primitive roads where they appropriately serve to route the CDNST through certain areas, and for the use of parallel trails and/or primitive roads to aid in separating motorized and nonmotorized use.

b. Policy

In accordance with 36 CFR 1246 (a) and (b) motorized and other uses of existing trails and/or primitive roads which are selected as components of the CDNST system will continue where such use is provided for in the respective agency's land and resource management direction for the area, including the use of snowmobiles operating on snow.

The decision to restrict motorized use or to close areas, trails, or primitive road segments to motorized use or other specific uses and activities because of resource protection needs or public safety, will be made in accordance with the policy and criteria or guidelines established by the agency. However, the presence or proposed location of the CDNST route will not be an acceptable reason for prohibiting motorized or other specified uses in an area where such use was established prior to the formal location of the trail.

Where the land and resource management direction for a given management area is to open a previously closed area to motorized use, every effort will be made to manage or relocate the CDNST to avoid or minimize the influence of motorized use on the trail user. If a segment of the CDNST is closed to motorized recreation travel at the time it is initially located, that segment will not be opened to motorized recreation travel unless a equitably suitable new nonmotorized segment can be provided.

c. Management Direction

(1) Information will be provided to users at trailheads and in brochures and maps indicating these segments of the CDNST which are open to motorized use. Such information will specify the type of vehicles which can be used and the relative skill level required to negotiate the trail segment.

(2) New construction of trail segments which connect existing segments open to motorized use can be opened to appropriate motorized use when no alternative existing motorized route is reasonably available to provide the connecting link, and the recreation management objective for the area is to provide matorized recreation opportunities.

(3) New construction, reconstruction, and maintenance of motorized trail segments and trailhead facilities will be done in accordance with agency guidelines and standards for motorized trails and primitive roads (see appendix I).

(4) Direct motorized users to existing campsites already accessible by motorized vehicles whenever practicable.

7. Administration and Coordination of Permits on the CDNST

a. Background

Each of the land management agencies have the authority to require and administer permits which regulate recreation use on lands under their respective jurisdictions. The purpose of such permits is generally to regulate the kind and amount of use in certain areas and to aid in the environmental protection of the land and safety of the users through education and information about proper use of wildlands and information about the relative difficulty of travel through an area. However, differing policies and practices among the land management agencies often result in conflicting and confusing regulations and information on individual management units.

This situation is cause for understandable concern both from trail users and the agency land managers. In using a linear recreation facility such as the CDNST, commercial outfitters and long distance trekkers often must cross agency units with differing management and use policies and practices. Just knowing who to contact to obtain the required permits is often confusing to the user. It should be kept in mind that the opportunity for extended travel is one of the purposes of the National Scenic Trails system.

Past use of other National Scenic Trails indicate that long distance trekkers (those covering 100 miles or more in one trip) are relatively few in number in any one season. Their actual contribution to the number of trail encounters and campsite crowding is really quite low. These users are usually experienced outdoor people skilled in low impact use of the land and do not stay in any one area for more than a day or two. 10/

Commercial outfitters and guides are usually more localized in their operations and require coordination with fewer management entities. Individual party size and numbers of pack and riding stock are usually more of a factor for consideration than numbers of parties.

The National Parks and Wildernesses are the areas most likely to be affected by the problems of coordinated permit systems. Each of the three National Parks and three of the twelve wildernesses traversed by the proposed CDNST require backcountry use permits. However, nearly all will eventually require a permit at some time in the future. Figure 11 lists those areas currently requiring noncommercial use permits. All areas of Federal land require special use permits for commercial outfitters and guides.

b. Policy

Use by long distance trekkers and commercial guides and outfitters is a legitimate use of the CDNST. Such use will be facilitated by the development of a coordinated system of issuing and honoring use permits on an interagency basis. Permit requirements should be as uniform and concise as practicable.

c. Management Direction

Utilizing the authorities for interagency memorandums of understanding or cooperative agreements, Federal and State land management agencies will provide a coordinated system for issuing and managing permits which will facilitate the use of the CDNST by both noncommercial long distance trekkers and commercial guides and outfitters. Such a system will provide at least the following:

10/ The Pacific Crest Trail managers estimate an average of about 200 such parties per year spread over the length of the trail.

NATIONAL PARKS AND NATIONAL WILDERNESS SYSTEM AREAS REQUIRING NONCOMMERCIAL BACKCOUNTRY USE PERMITS FOR OVERNIGHT USE

Glacier National Park	Montana
Yellowstone National Park	Wyoming
Rocky Mountain National Park	Colorado
Indian Peaks Wilderness	Colorado
Aldo Leopold Wilderness	Gila National Forest, New Mexico
Gila Wilderness	Gila National Forest, New Mexico
San Pedro Parks Wilderness	Santa Fe, New Mexico

Figure 11

(1) Noncommercial long distance trekker permits.

(a) Information on where and how to apply for a CDNST trekking permit.

(b) Current information concerning the rules and regulations pertaining to the use of the CDNST by agency on a State-by-State basis.

(c) Guidelines for proper use of the CDNST and adjacent lands emphasizing the concept of "least impact" on wildland ecosystems and other users. Permits will also inform the user about the relative difficulty of the trail segments covered by the permit.

(d) An efficient method of providing permit information to each affected land management entity.

(e) Uniform information regarding the user, i.e., origin of user, entry and exit points, trail segments to be traveled, method of travel, approximate dates of use by trail segment, and party size.

The purposes for a long distance trekker permit should be to provide needed information to both the user and the management agencies.

(2) Commercial Use Permits

A system to facilitate the issuance and administration of commercial use permits for guides and outfitters using the CDNST will be similarly coordinated between affected management units and agencies. In addition to the information required for noncommercial permits, the following information will also be provided for:

(a) Criteria for establishing a land management agency/office responsible for the issuing of the permit and the collection and accounting of use fees.

(b) Information and requirements in regard to party size limitations and use of designated campsites, where applicable.

(3) Existing permit systems.

Both noncommercial and commercial use in local areas which may only incidentally use portions of the CDNST will be handled under local agency permit policies and requirements.

8. CDNST Trail and Facility Standards

a. Background

The BOR Study Report and subsequent public involvement concerning the establishment of the CDNST has recognized the need for flexible standards to accommodate different kinds of terrain and varying kinds and degrees of use. Sufficient latitude is also desirable in order to allow the development and operation of the trail to agree with established management objectives of the agencies and interests administering areas along the trail. The public has generally advocated that the most minimal development standards consistent with these circumstances be employed. In keeping with the National Scenic Trails concept, the trail should be regarded as a simple facility for the hiker and horseman, and where already existing and appropriate, for trail bikers and recreational four-wheel drive use.

In regard to appurtenant facilities along the trail, the public has indicated little need or demand for anything more than the most simple facilities necessary for parking at trailheads, sanitation, and reasonable user safety.

At many places, in the mountains as well as in the desert areas along the Continental Divide, water can be quite scarce. The public has strongly advocated that the user be expected to accept these as natural conditions and be prepared to cope with the situation. However, it is also felt that the agencies have a responsibility to provide adequate information to the user to make him aware of what to expect in regard to the availability of water.

The public attitude in regard to user safety along the CDNST is found to be much the same as that for available water. It is felt that the users should be responsible for their own safety and be prepared to cope with the many and varied elements of the wildland environment found along the Continental Divide. It was also felt that the managing agencies had a responsibility to adequately inform users of what to expect and to help provide a certain amount of educational information designed to help users in being prepared.

In response to why people wanted to use the CDNST, one of the three most mentioned reasons was to "learn about things along the trail" (the other two reasons were to "get away from the daily pressures of life" and "to be with friends"). Written responses also indicated a feeling of need for the agencies to provide adequate information to let the user know what to expect not only in the way of environmental conditions, but also about historic and current uses of the land along the way.

b. Policy

(1) Trail Standards

The CDNST is intended to reflect the variety of wildland conditions and uses which make up the overall character of the Continental Divide. The treadway itself will be developed to no higher standard than necessary to safely accommodate the kind and amounts of use anticipated or planned for in any given segment. Construction, operation, and maintenance standards will be in accordance with existing agency direction and in harmony with the land and resource management direction for the management area through which the trail passes. Location and design determinations will carefully consider resulting long range operation and maintenance costs and reflect sound environmental protection practices. If an agency does not have established direction for trail development or maintenance, the Forest Service Trails Handbook will be used for guidance.

(2) Facilities

Facilities and services provided adjacent to the CDNST will be in accordance with the agency land and resource management direction for the management area traversed by the trail.

(3) Water Development

In general, water sources will be limited to surface water naturally occurring along the trail. Additional water sources may be accessed by side trails where it is feasible to do so. In specific situations the construction/development of potable water sources may be justified. These will be critically reviewed by the responsible agency. Users will be informed that all water along the trail must be treated to insure potability.

(4) Signing and Marking the Trail

(a) The uniform marker

As required by Section 7 (c) of the Act, the Chief has established the uniform marked (symbol) and blazer for use on the Continental Divide National Scenic Trail. The approved markers and blazer are shown on the following page.

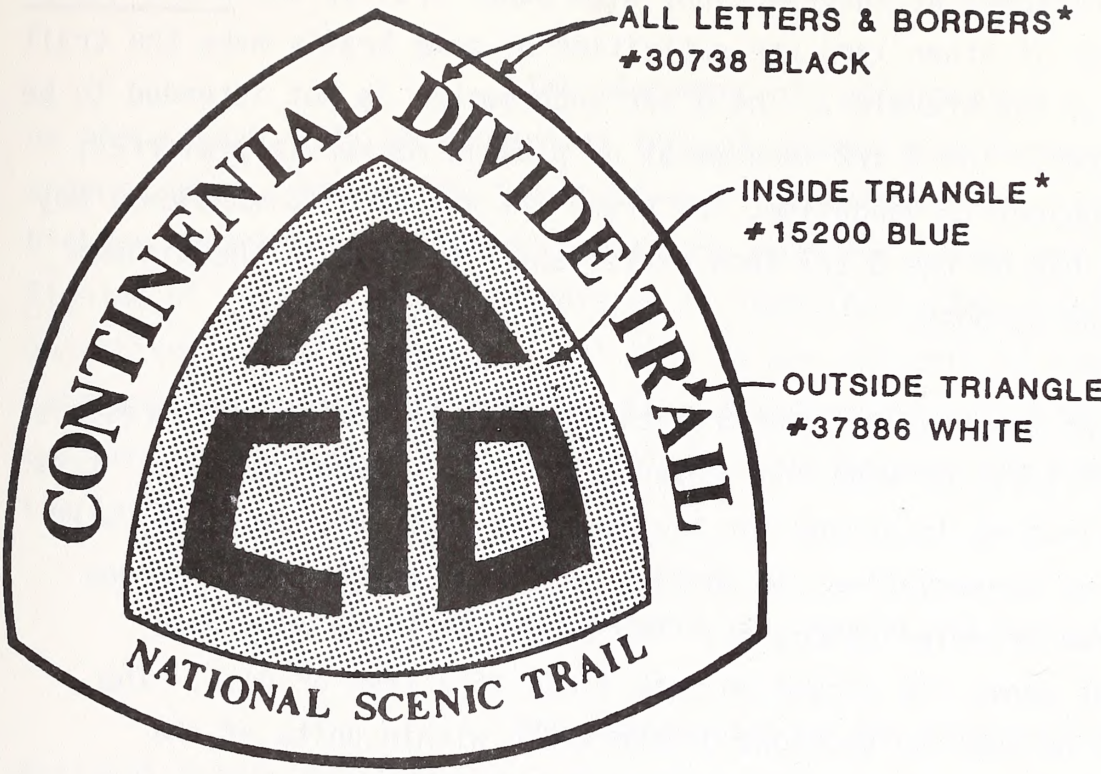
(b) Purpose and placement of the marker (symbol) and blazer

The purpose of the 18 inch and 9 inch markers is to identify the location of the trail to the motoring public. The markers should be placed so as to be readily seen from a moving vehicle approaching from either direction. The placement of the markers may require approval of appropriate State of County authorities. The recommended location of the 18 inch and 9 inch markers is:

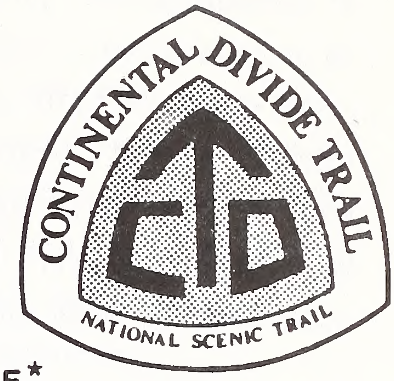
--18 inch marker - two at each State and Federal highway crossing.

-- 9 inch marker - two at each County or Forest road crossing.

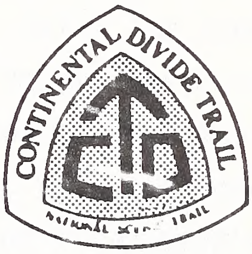
The purpose of the 3 1/2 inch marker is to identify the trail to the person on the trail or approaching from a side trail. It is to be used only on the CDNST



18" HIGHWAY UNIFORM MARKER

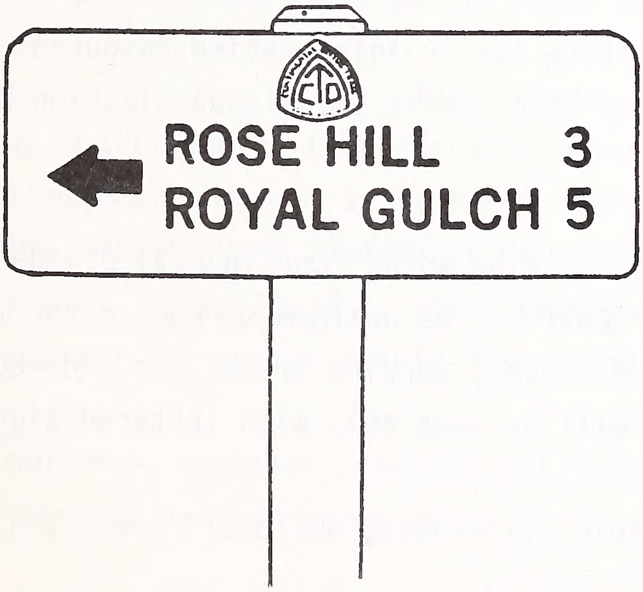


9" TRAILHEAD UNIFORM MARKER

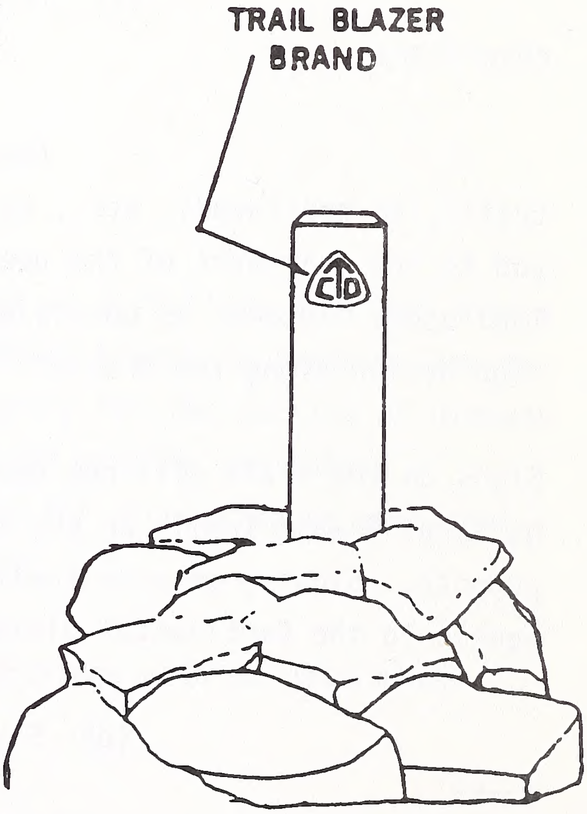


3-1/2" TRAIL UNIFORM MARKER

*FEDERAL STANDARD COLORS IDENTIFICATION NUMBER



DIRECTION OR GUIDE SIGNING



CAIRN

NATIONAL SCENIC TRAIL SIGNING & MARKING SYSTEM at common access junctions; at intersections with other trails; and where needed as a reassurance sign if other land use activities or game trails make the trail location uncertain to the traveler. The 3 1/2 inch marker is not intended to be used as a trail blazer. The 3 1/2 inch metal or plastic marker is preferred; however, in areas subject to vandalism, the brand (of identical dimensions) may be more practical. Use of the 3 1/2 inch marker shall be held to the minimum necessary to meet the purpose.

The blazer eliminates the need for the traditional tree axe blaze, its presence identifies the trail location when snow covers the trail or when the trail tread does not exist. Selecting locations for blazers should be done carefully with an objective of being conservative and posting only that number of locations necessary to keep the traveler on course. The blazer is to be displayed approximately 7 feet above the ground on both sides of a tree or post. The blazers will be not be used on sections of the trail within units of the National Wilderness Preservation System.

(c) Directional, informational, interpretive, and regulatory

These signs will be placed along the trail, on side trails, at trailheads, etc., to meet the needs of the user, management, or to add to the enjoyment of the user by pointing out or interpreting resources and land uses. Insofar as possible, agencies will strive for standardization of sign design along the trail.

Signs on the trail will not have the identifying words "Continental Divide National Scenic Trail" or the acronym "CDNST". The uniform marker is for this purpose. Signing on side trails, access routes, parking areas, etc., directing people to the Continental Divide Trail will be done only with lettered signs.

(d) Signing within Wilderness, National Parks, and State Parks

Other than the use of the uniform marker, signing within these areas will conform to the objectives and standards established for each area.

(e) Signing and marking on lands other than Federal

The placement and maintenance of markers and signs on these lands will be authorized through appropriate language in memorandum of understanding, agreements, right-of-way instruments, etc., with State and County highway departments, railroad companies, municipalities, and private landowners. Signing of private land, in addition to identifying the route, will have objectives of educating the trail user to the concerns of landowners; interpreting appropriate management or development activities if the landowner desires; and building a positive relationship between the trail and owners of the land.

(f) Maintenance of signing and marking

The designation of the Continental Divide Trail as a National Scenic Trail mandates the maintenance of a high standard of signing. Managing agencies should give high priority to timely repair and/or replacement of missing or damaged markers and signs.

(5) User facilities

(a) Trailheads

A trailhead is defined as a facility provided solely for the trail user to transfer from motorized highway travel to nonmotorized or motorized trail travel; as such the site is primarily for the parking of highway vehicles, rigging and loading of pack animals and to provide sanitation facilities. A trailhead is not intended as a site for picnicking or overnight camping, and the design should discourage such use.

The frequency, location, design, and facilities provided will be determined after careful consideration of:

--The objectives of the Recreation Opportunity Class for the area.

--The number of and mix of user types (equestrian, hiker, skier, day user, long distance user, etc.).

--The carrying capacity of other trailheads serving the area.

--The need to mitigate conflicts between foot traffic and pack and saddle stock.

Major trailheads will normally be located near primary highways and be designed and constructed to a higher level of development than minor trailheads on Forest roads. Major trailheads might include such amenities as paved roads, landscaping, flush toilets, corral and daily custodial care by agency personnel. Minor trailheads could be as simple as a 3-5 car parking area, vault toilet, garbage can, bulletin board, and only infrequent attention by agency personnel.

The basic items in site design are:

--parking

--sanitation

--water within a reasonable distance by trail

--pack stock facilities

--access to the main trail

When possible, trailheads should be sites away from the main trail and accessed by short feeder trails. When trailheads are constructed in conjunction with a developed campground or picnic area, there needs to be a clear separation between the two facilities.

(b) Campsites

Generally, on public land, unless otherwise regulated, camping is at the discretion of the user. Obviously, camping tends to concentrate in the vicinity of surface water. Trail camps, if designated, will generally be of very simple design appropriate to the Recreation

Opportunity Class for the area. In wilderness, it may simply be a camp spot with no facilities. Outside of wilderness, campsites may be provided with fire rings, toilets, and separation of hikers and stock. In areas that are roaded, the camps may have road access and be provided with stock-holding facilities, vault toilets, etc.

Where possible, separation should be provided at campsites between motorized, equestrian and hiker groups.

Information services to persons planning trips on the CDNST shall describe the camping facilities available and will emphasize any limitations or regulations concerning forage availabilty and setbacks from water courses or lakes.

9. Carrying Capacity

a. Background

Perhaps the single greatest concern expressed by the public, and to a lesser extent by the management agencies, was the fear that designation of the Continental Divide National Scenic Trail will cause overuse of the trail and adjacent areas. This is a concern expressed by both those supporting the establishment of the trail and the principal reason given by those who do not support its establishment.

The 1977 Final Environmental Statement prepared by the BOR concluded that establishment of the CDNST was, in fact, the environmentally preferred alternative. This is because the trail would have a significant status, and degradation of existing trail segments when they become a part of the CDNST system would be less because they would receive more attention and improvement. The environmental analysis done in conjunction with preparing the Comprehensive Plan continues to support that conclusion. Non-establishment, in itself, would do little to stem a high use trend where it is already occurring on established trails. On the other hand, establishment under the conditions of the Comprehensive Plan and the specific management direction offered by the existing and developing land and resource management plans of each agency offers more certainty that site specific environmental problems can be dealt with adequately.

The BOR Study estimated that overall use of the trail could amount to about 690,000 visitor days per annum, some 10 to 15 years following completion. In a 1979 survey of wilderness management processes, techniques and problems across the nation, it was estimated that wilderness system trails in the Rocky Mountain States produces some 285 visitor days/mile (the lowest rate for any section in the country). 11/ Applying this to the overall 3,100 miles of the CDNST would result in approximately 884,000 visitor days per annum. While some highly scenic and accessible segments of the trail would likely attract more use, many more segments which are quite remote, and others with less scenic and recreation appeal will produce much less. There seems to be no supportable reason at this time to abandon the BOR estimate.

Another line of reasoning regarding how much use the CDNST will attract must also be considered. The BOR Study and many of the concerned publics were assuming the CDNST would be located and marked on the ground as an essentially complete route in one short term action -- thus creating a sudden recreation attraction which would create a surge of use. The fact is that with the legislative direction and constraints coupled with the methodology outlined in the Comprehensive Plan for location (on a segment basis and spread over several years), it seems doubtful that any such "boom" will occur.

Also, by using mostly existing trails much of the estimated use is already occurring. (Unfortunately, reasonably accurate estimates of current use on existing trail segments cannot be made because use estimates are not reported for specific trails, unless they have special designation of some kind.)

Current land and resource management planning processes for the Forest Service and the BLM provide for establishing acceptable levels of recreation use for specific management areas through the guidelines used in the Recreation Opportunity Spectrum system. The National Parks also have a reasonable estimate of backcountry capacities and utilize permit systems to help keep use within acceptable limits. The planning and management practices will essentially establish carrying capacities, if not for the CDNST specifically, at least for the management areas through which the trail passes.

11/ Washburn, Intermountain Forest and Range Experiment Station, 1979.

b. Policy

Existing agency management direction and methodology developed for land and resource management planning will be used to establish acceptable levels of recreation use in management areas along the CDNST route.

c. Management Direction

(1) Forest Service and BLM unit managers will use the carrying capacity guidelines respectively, developed for each Recreation Opportunity Spectrum class through which the CDNST passes. Capacity determination within a management area will give full consideration to the biophysical environmental needs and the social capacity factors needed to provide desired recreation experience opportunities.

(2) National Park Service managers will utilize existing capacity estimates developed for General Park Management Plans.

(3) Unit managers will provide planned capacity estimates as a part of the Establishment Reports prepared for trail segments recommended for part of the CDNST system.

10. Grizzly Bear Habitat Affected by the CDNST

a. Background

The Continental Divide region in Glacier and Yellowstone National Parks and in the National Forests in Montana and northwest Wyoming contains most of the critical grizzly bear habitat remaining in the western United States (Figure 12). Human use of the proposed CDNST in this area and its effect on the welfare of the grizzly bear is a cause of important concern among land managers, scientists, and the general public in these areas.

Grizzly bear populations and distribution have been greatly reduced in the Western United States since the early 1900's because of loss of habitat and conflicts with man. One of last the remaining grizzly populations in the lower

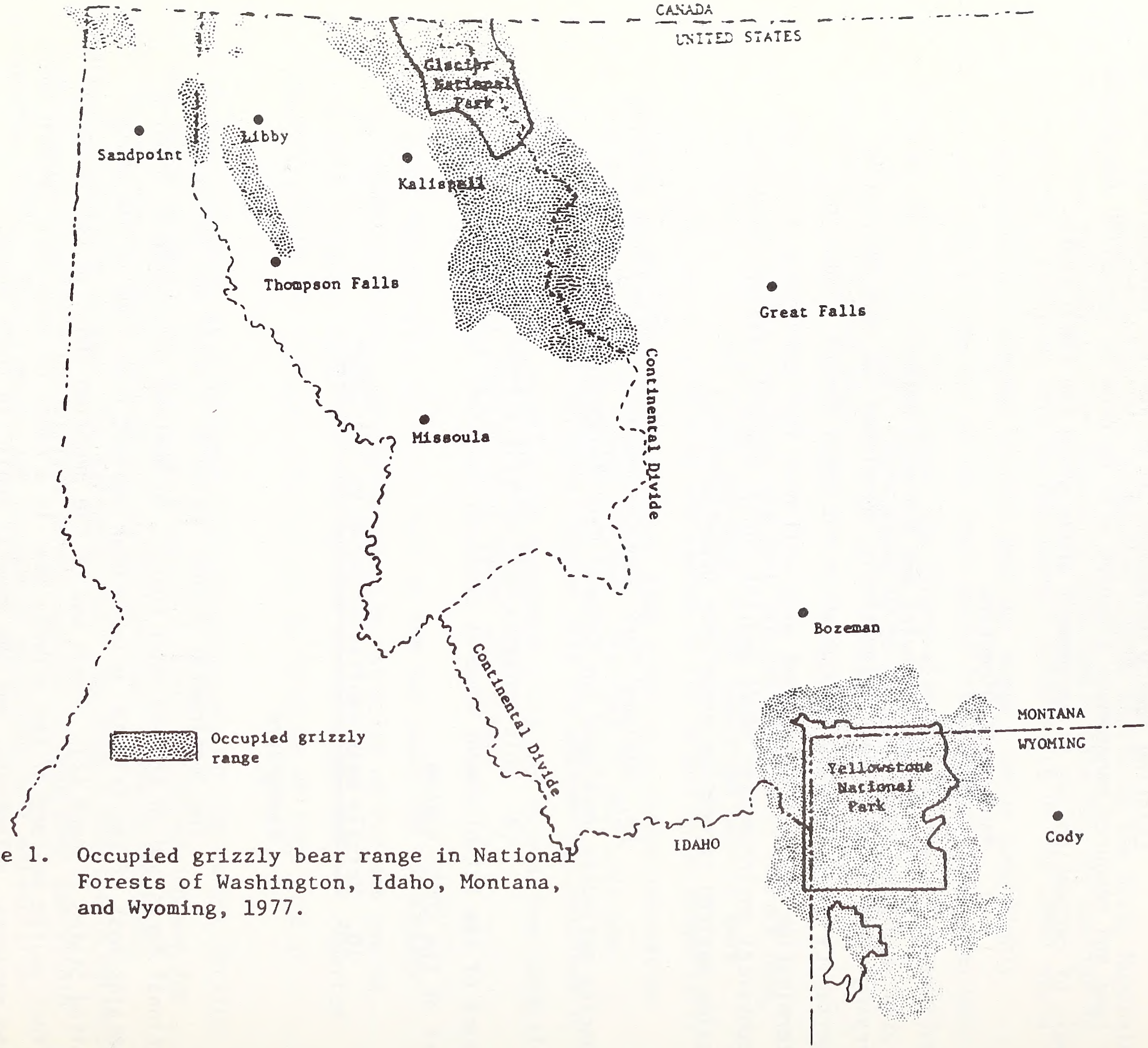


Figure 1. Occupied grizzly bear range in National Forests of Washington, Idaho, Montana, and Wyoming, 1977.

Figure 12

48 states occurs in the Greater Yellowstone Area. The effects of open-pit garbage dump closures, hunting, domestic livestock grazing, roads and road construction, recreation activities, and logging on grizzly bears and their habitat have been concerns during the last decade. The Interagency Grizzly Bear Study Team, with members from the National Park Service, U.S. Forest Service, U.S. Fish and Wildlife Service, and the States of Idaho, Montana, and Wyoming was appointed in 1973 to provide research information about the grizzly population and its habitat in the Yellowstone Area. In July 1974, an ad hoc committee of the National Academy of Sciences concluded that the Yellowstone grizzly was not in immediate danger of extinction, but that conservative management of the species was necessary.

The Endangered Species Act (ESA) (P.L. 93-205) requires special protection and management on Federal lands for the grizzly bear (Ursus arctos horribilis), a threatened species. Forest Service and Park Service personnel cooperatively developed guidelines for grizzly protection and management in the National Forests and National Parks of the Greater Yellowstone Area (appendix G) in compliance with ESA (FSM 2601.1).

On August 1, 1975, the grizzly bear south of Canada was determined to be a threatened species by the Secretary of Interior under ESA authority. This determination required Federal agencies to:

(1) utilize their authorities to carry out conservation programs for listed species;

(2) insure that their activities not jeopardize the continued existence of a listed species; and,

(3) insure that their activities or programs not result in the destruction or adverse modification of critical habitat.

b. Policy

(1) Park Service Grizzly Bear Policy

Management policies of the National Parks are designed to:

(a) perpetuate wild free-ranging grizzly bear populations; and

(b) minimize conflicts between humans and grizzly bears by reducing man-generated food sources and by regulating visitor distribution.

Specifically, the Park Service will identify, within Park boundaries, grizzly habitat requirements. As necesssary, the Service shall control visitor use and access to such habitat, including closure to entry for other than official purposes. Active management programs, where necessary, will be carried out to perpetuate the natural distribution and abundance of grizzlies and the ecosystems on which they depend, in accordance with existing Federal laws. The Service will cooperate with the Fish and Wildlife Service, which is recognized as the lead agency in matters pertaining to threatened or endangered species.

Management actions for the protection and perpetuation of grizzly bears shall be incorporated into the resources management plan. The Yellowstone and Grand Teton National Park Grizzly Bear Management Programs are included in Appendix H. The programs will compliment and supplement these guidelines for management of the CDNST.

(2) National Forest system grizzly bear policy

National Forests in the Greater Yellowstone Area will conserve the grizzly as a species (ESA) and provide habitat suitable for the perpetuation of the species (FSM 2603).

Grizzly bear habitat will be maintained and enhanced, and grizzly-human conflict potential will be minimized. State wildlife management agencies and the U.S. Fish and Wildlife Service will, after consulting with the National Forests, perform grizzly control actions including live-trapping, relocation, and removal. Specific policy is stated for the following resource management systems.

(a) Wildlife Management

As a threatened species, grizzly bears will receive, along with other listed species, the highest priority in maintaining and developing suitable habitat through:

--coordination of grizzly population and habitat needs with the management of other National Forest resources; and

--specific habitat improvement projects (FSM 2630.2). Habitat improvements which have adverse impact on grizzlies will be deferred (FSM 2630.3).

The possible effects of existing or proposed land uses upon grizzlies and/or their habitat will be determined through a competent review or biological assessment (FSM 2670). The "Method for Determining Grizzly Bear Habitat Quality and Estimating Consequences of Impacts on Grizzly Habitat Quality" (appendix G) is recommended for review or assessment of location and operation of the CDNST.

(b) Recreation Management

The protection needs for grizzlies and/or their habitat will be considered in providing for recreation use along the CDNST. Development or operation of any recreation facilities or activities detrimental to grizzlies or to their important habitat will be managed to ensure adequate protection of the grizzlies and/or their habitat.

(c) Management Direction

Management Direction and Management Guidelines contained in "Guidelines for Management Involving Grizzly Bears in the Greater Yellowstone Area" will be used as an information source and guidance in conducting environmental analysis to support Land and Resource Management Plans and decisions concerning the location, operation, and management of the CDNST where the proposed route passes through grizzly bear habitat.

11. Liability Considerations in Regard to the CDNST

a. Background

Private landowners in the vicinity of the proposed CDNST have raised questions and concerns regarding their rights, responsibilities and liabilities to users of the trail. This area of tort law is generally referred to as premises liability. The specific answers to questions of liability must be on a state by state basis because statutes regarding liability and limited liability usually vary between states. Appendix H contains the current statutes pertaining to limitation of liability in regard to recreational use of private lands for recreation purposes for the states involved with the CDNST.

The Office of General Council, USDA and the Solicitor's Office, USDI advise that it is not appropriate for them or for agency personnel to provide legal advice to landowners, or users, regarding their potential liability should someone be injured while using a portion of the CDNST crossing private land. It is emphasized that a final answer to a question of liability can only be given through the judicial process, after consideration of all evidence pertaining to a specific case. There is no known authority which would support an agreement by the United States to "hold harmless" or otherwise indemnify a landowner or the Federal government in questions of liability.

b. Policy

(1) Neither Federal agency personnel nor their representative legal councils shall attempt to provide legal advice to landowners or users pertaining to liability questions rising from the proposed location or operation of the CDNST across private lands.

(2) Information regarding the location and use of private lands for CDNST purposes shall be readily available to users.

(3) CDNST location and design on Federal lands should reflect a concern for reasonable safety without detracting from the opportunity for users to experience the wild and scenic lands by their own efforts and without

sacrificing aspects of the trail which may challenge their skill and stamina. Where the CDNST must be located across private lands, the guiding principle should be to locate a route which provides an efficient connection between Federal or other public lands and contributes toward a continuous scenic trail travel route.

c. Management Direction

(1) Agency employees will advise landowners and trail users that questions of liability in regard to use of easements or rights-of-way for the CDNST should be referred to their personal attorneys.

(2) Agency maps and written information regarding the location of private lands and any conditions of use that may be a part of related rights-of-way or easement.

(3) Location, design and maintenance practices used for the CDNST will be in accordance with the minimum agency standards required to provide for the kind and amount of use anticipated for a given segment of trail and which are compatible with the overall land and resource management direction for the area.

12. Monitoring and Evaluation of Use and Effects of Establishing the CDNST

a. Background

Federal regulations pertaining to land and resource management planning for the Forest Service and Bureau of Land Management (36 CFR 219.5 (k) and 43 CFR 1601.5-9, respectively) require that the National Forest and BLM unit plans include a monitoring and evaluation program. The program will provide a basis for a periodic determination and evaluation of effects of management practices. The purpose of this monitoring and evaluation is to initiate the need for possible plan revisions or amendments.

b. Policy

Each agency will develop and implement a monitoring and evaluation plan for segments of the CDNST for which they have responsibility. These plans should be integrated into the overall monitoring and evaluation process and schedule set forth in the individual unit Land and Resource Management Plan. Implementation of the monitoring will begin immediately following the formal designation of a trail segment as a part of the CDNST system.

c. Management Direction

(1) Monitoring and evaluation plans will include provisions for involvement of affected private landowners in the determination of trail and user impacts on private land.

(2) The reports from these plans will provide, as a minimum, the following information on an annual basis:

(a) an assessment of compliance with the goals and objectives contained in the Comprehensive Plan;

(b) an estimate of the types and levels of use on the trail, including trends. This should be related to the tentative carrying capacities established.

(c) a summary of current or anticipated problems, including concerns of private landowners, which require coordination among agencies, States, or Regions.

(d) any recommendations for revision or amendments to the Comprehensive Plan.

(3) This information will be summarized as follows:

(a) as a data base from which the managing agencies, on a coordinated basis, after consultation with affected private landowners, can solve mutual problems.

(b) as information to the CDNST Advisory Council for its use in advising the Secretary of Agriculture on matters pertaining to the trail.

(c) as information in advising the appropriate Congressional Committee as required in the National Trails System Act.

V. RESEARCH NEEDS

The CDNST offers some exciting opportunities to develop a coordinated outdoor recreation research program which could be quite beneficial to all wildland management agencies. It is recommended that a continuing program of research and administrative studies be developed to coincide with the eventual on-the-ground establishment of the trail. Such a program could be a joint effort between the three principal Federal land management agencies, the State universities, and the Rocky Mountain and Intermountain Range and Forest Experiment Stations.

Some suggested subjects that need coordinated research and/or administrative study are:

A. Followup on information received during the CDNST public involvement program and actual use and benefit received from the establishment and use of the trail.

A unique combination of outdoor recreation research theory derived from B. L. Driver's noncommodity recreation benefits studies (Rocky Mountain Station) and PUBLIC, a procedure for public involvement developed by Donald A. Renton, et al., (Colorado State University) and the social resource management system being used in the Forest Service Regions traversed by the CDNST. 12/ Through the combined use of the above systems, people attending the public involvement workshops for the CDNST were asked:

--How would they use the trail (activities)?

--For what purposes (benefits) would they use the trail?

--What kinds of physical and social settings are preferred (or acceptable) in terms of adjacent land uses?

12/ SRM identifies the social considerations involved in the use and management of natural resources. It assists a manager to be responsive to the interests of people in daily operating long-range planning, and project assessments.

This information was collected, recorded, and analyzed by social resource units to better determine the local needs, values, and social differences along the trail.

Research is needed to followup on this information to see how well actual use and benefits match with the perceived use of the trail, and how representative are the respondents of the actual user.

B. The nature and location of the trail as it passes through such a wide variety of ecological and recreation opportunity classes offers a good opportunity to monitor the degree users are actually realizing the various recreation experiences the areas are managed to produce.

C. The trail will also provide an opportunity to monitor the degree of uniformity in ROS class management being practiced by the agencies and within an agency. This type of study would help identify inconsistencies and needed changes.

D. The trail offers a good opportunity to review and/or develop trail construction and maintenance techniques and practices in varying terrain, climates, and management areas. An improved intra-agency communications system to exchange ideas and practices could be developed to the benefit of all.

E. Techniques for uniformity measuring and recording use on specific trail segments are needed for consistency between management units and between agencies.

F. There seems to be a need to determine the relative economic and noncommodity benefits derived from National Scenic Trail designation as opposed to nondesignated trail systems. For instance, how much use does a National Scenic Trail attract over nondesignated trails? Can economic and/or noncommodity values of special trails and for trails in general be better established?

These and undoubtedly many other questions which continually arise in regard to dispersed and trail related recreation management can be addressed in a logical and coordinated manner because of the unique linear nature of the CDNST as a recreation facility.

VI. ESTIMATED COSTS

The nature of the process for establishing the Continental Divide National Scenic Trail, the number of alternative routes unit managers have to choose from, and the legislative and Departmental policy limitations on rights-of-way acquisition make it impossible to make any meaningful estimates of overall costs to establish and operate the CDNST at this time. It is not anticipated there will be any special funds specifically earmarked for the CDNST, but rather the establishment and operation will be integrated into each Federal (or State and local government) normal budgeting program over the years.

Figure 12 gives a general breakdown of estimated costs for construction, reconstruction, and annual maintenance by CDNST segment and by State. This information is based on 1981 average costs per mile for those activities and is intended for general comparison purposes only. Figure 13 summarizes these estimates by agency and Recreation Opportunity Class on a Social Resource Unit (SRU) basis. Existing trails within each segment are currently being maintained to varying standards but actual amounts are not available and mean little until a firm travel route is selected in the agency land and resource management planning process.

The BOR Study Report estimated annual operating and maintenance costs at $830,000 and total capital cost of establishing the CDNST at approximately 26 million dollars. However, conditions of location and costs have changed so much that these estimates probably have no relevance at this time. Tables 11, 12, and 13 in the BOR Study no longer apply.

SUMMARY OF ESTIMATED COSTS FOR CDNST
(Costs in $1000)

SRU*	Segment	Const. Cost	Reconst. Cost	Maintenance Cost (Annual)
			MONTANA	
1B	1			19.0
	2		5.0	4.0
	3			2.0
	4		12.0	3.0
	5			2.0
	6		50.0	4.0
	7		77.0	3.0
	8		15.0	2.0
	9	60.0	10.0	2.0
	10		20.0	1.0
	11	7.0		1.0
	12		3.0	0.5
	13		1.0	0.5
	14			
	15		3.0	0.4
	16		1.0	0.3
	17		6.0	0.7
	18		5.0	0.5
	19			1.0
	20	10.0		
	21	15.0		
	22			0.125
	23			0.06
	24			0.12
	25			0.26
	26	440.0		
	27	42.0		7.0
	28	80.0		1.5
	29			6.0
Montana Subtotal		654.0	208.0	51.97

*Social Resource Unit

Figure 13

SUMMARY OF ESTIMATED COSTS FOR CDNST
(Costs in $1000)

SRU	Segment	Const. Cost	Reconst. Cost	Maintenance Cost (Annual)
			MONTANA/IDAHO	
1A	30		4.0	2.0
	31	8.0	0.8	1.0
	32		3.0	0.6
	33			1.0
	34			1.0
	35	2.0	0.8	0.2
	36			2.0
	37	40.0		
	38		2.0	1.0
	39	21.0	0.7	0.6
	40			4.0
	41			
	42	21.0	6.0	2.0
	43	22.0		
	44	14.0		0.8
	45	95.0	26.0	4.0
	46	500.0		
Montana/Idaho Subtotal		723.0	43.3	20.8

Figure 13a

SUMMARY OF ESTIMATED COSTS FOR CONST
(Costs in $1000)

SRU	Segment	Const. Cost	Reconst. Cost	Maintenance Cost (Annual)
			WYOMING	
4A	1			65.0
	2			17.0
	3			13.0
	4	108.0	160.0	17.0
	5	280.0		17.0
	6			3.0
	7	24.0		7.0
	8			6.0
	9	54.0		12.0
	10	8.0		6.0
Wyoming Subtotal		474.0	160.0	163.0

Figure 13b

SUMMARY OF ESTIMATED COSTS FOR CONST
(Costs in $1000)

SRU	Segment	Const. Cost	Reconst. Cost	Maintenance Cost (Annual)
			COLORADO	
2F	1			18.0
	2			21.0
	3	50.0		
	4	184.0		
	5			19.0
	6			5.0
	7			4.0
	8			14.0
	9		250.0	13.0
	10			4.0
	11			6.0
	12			16.0
	13	75.0		
	14	315.0		
	15			2.0
	16	130.0		
	17			27.0
	18		15.0	0.5
	19		30.0	4.0
	20		15.0	2.0
	21			11.0
	22			9.0
	23			7.0
	24	10.0		
	25			7.0
	26			26.0
	27			5.0
	28			0.5
	29			4.0
	30			3.0
	31			2.0
	32			3.0
	33			2.0
	34	60.0		2.0
	35			13.0
	36			3.0
	37			9.0
	38			-
	39			14.0
	40			-
	41			26.0
	42			37.0
	43			75.0
	44			2.0
	45			10.0
	46			6.0
	47			32.0
	48			-
Colorado Subtotal		824.0	310.0	466.0

Figure 13c

SUMMARY OF ESTIMATED COSTS FOR CDNST
(Costs in $1000)

SRU	Segment	Const. Cost	Reconst. Cost	Maintenance Cost (Annual)
			NEW MEXICO	
3-2K and 3E	1	360.0		
	2	400.0		
	3	200.0		
	4	320.0		
	5	360.0		
	6			75.0
	7	500.0		
New Mexico Subtotal		2140.0	—	75.0
CDNST TOTAL		4815.0	721.3	776.8

Figure 13d

CDNST DESCRIPTOR SUMMARY

K = 1000

SRU	MILES BY JURISDICTION					ROS CLASS														COST/MILE $		
	BLM	FS	NPS	State /Pvt	Total	Primitive Mi.	Primitive %	Semiprim. Nonmotor. Mi.	Semiprim. Nonmotor. %	Semiprim. Motorized Mi.	Semiprim. Motorized %	Roaded Nat. Mi.	Roaded Nat. %	Rural Mi.	Rural %	Wilderness Mi.	Wilderness %	Motorized Mi.	Motorized %	Const	Reconst	Maint.
1B	-	444	95	42	581	244	42	186	32			46	8			354	61	46	8	7K	14K	500
1A		39			39	31	80	8	20							31	80					200
*1A&4B	50	252		8	310	59	19	16	5	233	75	3	1			25	8	236	76	3K		200
4A		101	65		166	123	74			43	26					123	74	43	26	10K	18K	800
4-2D		126			126	32	25	58	46	36	29					90	71	36	29	12K	8K	200
2E	147	43		93	283	14	5			269	95					14	5	269	95	6K		200
2F		115		10	125	50	40			75	60					28	22	26	21	9K		1K
2I		129	32	20	181	69	38	83	46	20	11			9	5	11	6	29	16	11K		1K
2J		232		7	239	36	15	122	51	22	9			60	25	81	34	139	58	20K	10K	900
3-2L		86			86	52	61	26	30					8	9	52	61	22	25		15K	1K
3-2K	25	220		142	387	145	37					121	50	121	50	81	21	152	39			1K
3E	157	100		248	505	25	1			227	49	253	50			25	5	354	70			
Totals	379	1887	192	570	3028	880	30	499	17	926	31	422	14	198	8	915	30	1352	45	9.7K (Ave.)	13K (Ave.)	$636 (Ave.)

*Trail goes back and forth across Divide and into both SRU's.

Figure 14

United States
Department of
Agriculture

PREPARED BY

Forest Service

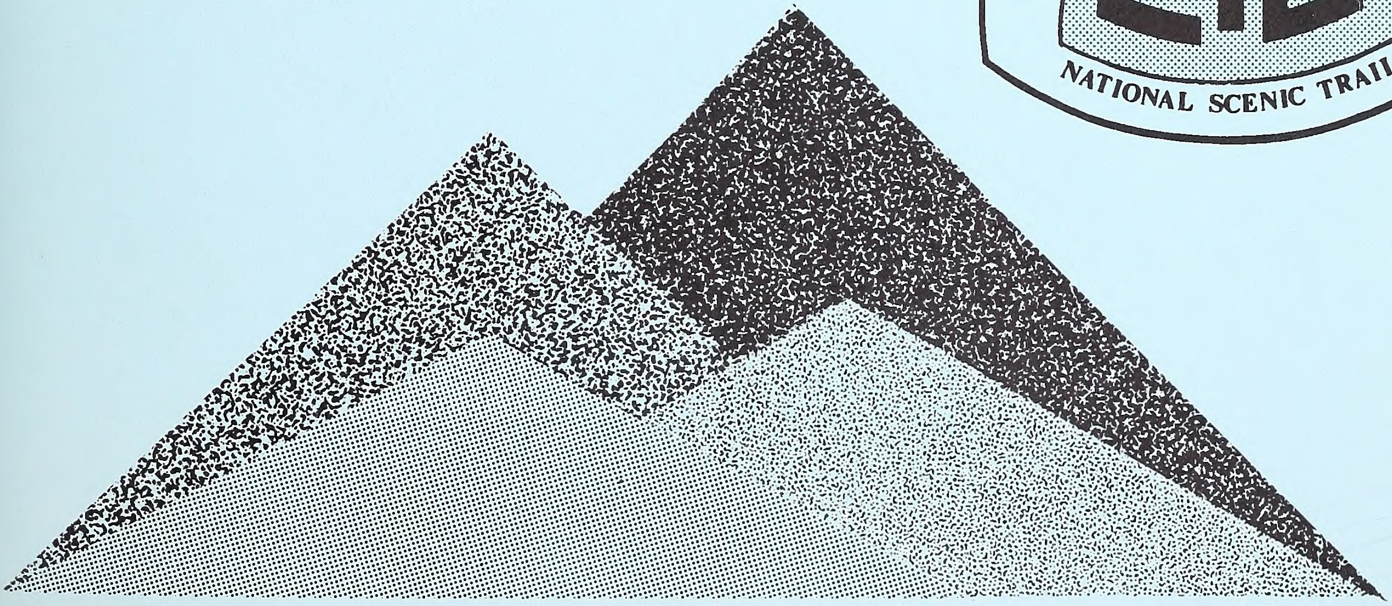
Bureau of
Land Management

National Park Service

THE CONTINENTAL DIVIDE

National Scenic Trail

Appendices



APPENDICES TO THE CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL COMPREHENSIVE PLAN

Appendix A - Text of the National Trails Act as amended.

Appendix B - Secretary of Agriculture's Memorandum No. 2002, 11/27/79,
establishing CDNST Advisory Council.

Advisory Council Membership List.

Appendix C - Summary of Public Response to the CDNST.

Appendix D - Sample Agreements and Rights-of-Way/Easement Documents.

Appendix E - CDNST Corridor Inventory Tables.
Definition of Terms.
Corridor Trail Segment Maps.

Appendix F - Summary of Limited Liability.
Statutes by State.

Appendix G - Guidelines for Management Involving Grizzly Bears.
(Montana, Idaho, Northern Wyoming Segments).

Appendix A

Text of the National Trails Act
As Amended

National Trails System Act

- Act of October 2, 1968 (P.L. 90-543, 82 Stat. 919, as amended; 16 U.S.C. 1241(note), 1241-1249)

Sec. 1. This Act may be cited as the "National Trails System Act". (16 U.S.C. 1241(note))

STATEMENT OF POLICY

Sec. 2. (a) In order to provide for the ever-increasing outdoor recreation needs of an expanding population and in order to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation, trails should be established (i) primarily, near the urban areas of the Nation, and (ii) secondarily, within scenic areas and along historic travel routes of the Nation, which are often more remotely located.

(b) The purpose of this Act is to provide the means for attaining these objectives by instituting a national system of recreation, scenic and historic trails, by designating the Appalachian Trail and the Pacific Crest Trail as the initial components of that system, and by prescribing the methods by which, and standards according to which, additional components may be added to the system. (16 U.S.C. 1241)

(c) The Congress recognizes the valuable contributions that volunteers and private, nonprofit trail groups have made to the development and maintenance of the Nation's trails. In recognition of these contributions, it is further the purpose of this Act to encourage and assist volunteer citizen involvement in the planning, development, maintenance, and management, where appropriate, of trails.

NATIONAL TRAILS SYSTEM

Sec. 3.(a) The national system of trails shall be composed of the following:

(1) National recreation trails, established as provided in section 4 of this Act, which will provide a variety of outdoor recreation uses in or reasonably accessible to urban areas.

(2) National scenic trails, established as provided in section 5 of this Act, which will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass. National scenic trails may be located so as to represent desert, marsh, grassland, mountain, canyon, river, forest, and other areas, as well as landforms which exhibit significant characteristics of the physiographic region of the Nation.

(3) National historic trails, established as provided in section 5 of this Act, which will be extended trails which follow as closely as possible and practicable the original trails or routes of travel of national historic significance. Designation of such trails or routes shall be continuous, but the established or developed trail, and the acquisition thereof, need not be continuous on-site. National historic trails shall have as their purpose the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment. Only those selected land and water based components of an historic trail which are on federally owned lands and which meet the national historic trail criteria established in this Act are included as Federal protection components of a national historic trail. The appropriate Secretary may certify other lands as protected segments of an historic trail upon application from State or local governmental agencies or private interests involved if such segments meet the national historic trail criteria established in this Act and such criteria supplementary thereto as the appropriate Secretary may prescribe, and are administered by such agencies or interests without expense to the United States.

(4) Connecting or side trails, established as provided in section 6 of this Act, which will provide additional points of public access to national recreation, national scenic or national historic trails or which will provide connections between such trails.

The Secretary of the Interior and the Secretary of Agriculture, in consultation with appropriate governmental agencies and public and private organizations, shall establish a uniform marker for the national trails system.

(b) For purposes of this section, the term "extended trails" means trails or trail segments which total at least one hundred miles in length, except that historic trails of less than one hundred miles may be designated as extended trails. While it is desirable that extended trails be continuous, studies of such trails may conclude that it is feasible to propose one or more trail segments which, in the aggregate, constitute at least one hundred miles in length.

(c) On October 1, 1982, and at the beginning of each odd numbered fiscal year thereafter, the Secretary of the Interior shall submit to the Speaker of the United States

House of Representatives and to the President of the United States Senate, an initial and revised (respectively) National Trails System plan. Such comprehensive plan shall indicate the scope and extent of a completed nationwide system of trails, to include (1) desirable nationally significant scenic and historic components which are considered necessary to complete a comprehensive national system, and (2) other trails which would balance out a complete and comprehensive nationwide system of trails. Such plan, and the periodic revisions thereto, shall be prepared in full consultation with the Secretary of Agriculture, the Governors of the various States, and the trails community. (16 U.S.C. 1242)

NATIONAL RECREATION TRAILS

Sec. 4. (a) The Secretary of the Interior, or the Secretary of Agriculture where lands administered by him are involved, may establish and designate national recreation trails, with the consent of the Federal agency, State, or political subdivision having jurisdiction over the lands involved, upon finding that--

(i) such trails are reasonably accessible to urban areas, and, or

(ii) such trails meet the criteria established in this Act and such supplementary criteria as he may prescribe.

(b) As provided in this section, trails within park, forest, and other recreation areas administered by the Secretary of the Interior or the Secretary of Agriculture or in other federally administered areas may be established and esignated as "National Recreation Trails" by the ppropriate Secretary and, when no Federal land acquisition s involved--

(i) trails in or reasonably accessible to urban areas may be designated as "National Recreation Trails" by the appropriate Secretary with the consent of the States, their political subdivisions, or other appropriate administering agencies;

(ii) trails within park, forest, and other recreation areas owned or administered by States may be designated as "National Recreation Trails" by the appropriate Secretary with the consent of the State; and

(iii) trails on privately owned lands may be designated "National Recreation Trails" by the appropriate Secretary with the written consent of the owner of the property involved.

NATIONAL SCENIC AND NATIONAL HISTORICAL TRAILS

Sec. 5. (a) National scenic and national historic trails shall be authorized and designated only by Act of Congress. There are hereby established the following National Scenic and National Historic Trails:

(1) The Appalachian National Scenic Trail, a trail of approximately two thousand miles extending generally along the Appalachian Mountains from Mount Katahdin, Maine, to Springer Mountain, Georgia. Insofar as practicable, the right-of-way for such trail shall comprise the trail depicted on the maps identified as "Nationwide System of Trails, Proposed Appalachian Trail, NST-AT-101 May 1967", which shall be on file and available for public inspection in the office of the Director of the National Park Service. Where practicable, such rights-of-way shall include lands protected for it under agreements in effect as of the date of enactment of this Act, to which Federal agencies and State were parties. The Appalachian Trail shall be administered primarily as a footpath by the Secretary of the Interior, in consultation with the Secretary of Agriculture.

(2) The Pacific Crest National Scenic Trail, a trail of approximately two thousand three hundred fifty miles, extending from the Mexican-California border northward generally along the mountain ranges of the west coast States to the Canadian-Washington border near Lake Ross, following the route as generally dipicted on the map, identified as "Nationwide System of Trails, Proposed Pacific Crest Trail, NST-PC-103-May 1967" which shall be on file and available for public inspection in the office of the Chief of the Forest Service. The Pacific Crest Trail shall be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior.

(3) The Oregon National Historic Trail, a route of approximately two thousand miles extending from near Independence, Missouri, to the vicinity of Portland, Oregon, following a route as depicted on maps identified as "Primary Route of the Oregon Trail 1841-1848", in the Department of the Interior's Oregon Trail study report dated April 1977, and which shall be on file and available for public inspection in the office of the Director of the National Park Service. The trail shall be administered by the Secretary of the Interior.

(4) The Mormon Pioneer National Historic Trail, a route of approximately one thousand three hundred miles extending from Nauvoo, Illinois, to Salt Lake City, Utah, following the primary historical route of the Mormon Trail as generally depicted on a map, identified as, "Mormon Trail Vicinity Map, figure 2" in the Department of the Interior Mormon Trail study report dated March 1977, and which shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, D.C.

The trail shall be administered by the Secretary of the Interior.

(5) The Continental Divide National Scenic Trail, a trail of approximately thirty-one hundred miles, extending from the Montana-Canada border to the New Mexico-Mexico border, following the approximate route depicted on the map, identified as "Proposed Continental Divide National Scenic Trail" in the Department of the Interior Continental Divide Trail study report dated March 1977 and which shall be on file and available for public inspection in the office of the Chief, Forest Service, Washington, D.C. The Continental Divide National Scenic Trail shall be administered by the Secretary of Agriculture in consultation with the Secretary of the Interior. Notwithstanding the provisions of section 7(c), the use of motorized vehicles on roads which will be designated segments of the Continental Divide National Scenic Trail shall be permitted in accordance with regulations prescribed by the appropriate Secretary.

(6) The Lewis and Clark National Historic Trail, a trail of approximately three thousand seven hundred miles, extending from Wood River, Illinois, to the mouth of the Columbia River in Oregon, following the outbound and inbound routes of the Lewis and Clark expedition depicted on maps identified as, "Vicinity Map, Lewis and Clark Trail" study report dated April 1977. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, D.C. The trail shall be administered by the Secretary of the Interior.

(7) The Iditarod National Historic Trail, a route of approximately two thousand miles extending from Seward, Alaska to Nome, Alaska, following the routes as depicted on maps identified as "Seward-Nome Trail", in the Department of the Interior's study report entitled "The Iditarod Trail (Seward-Nome Route) and other Alaskan Gold Rush Trails" dated September 1977. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, D.C. The trail shall be administered by the Secretary of the Interior.

(8) The North Country National Scenic Trail, a trail of approximately thirty-two hundred miles, extending from eastern New York State to the vicinity of Lake Sakakawea in North Dakota, following the approximate route depicted on the map identified as "Proposed North Country Trail-Vicinity Map" in the Department of the Interior "North Country Trail Report", dated June 1975. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.

(9) The Overmountain Victory National Historic Trail, a system totaling approximately two hundred seventy-two miles of trail with routes from the mustering point near

Abingdon, Virginia, to Sycamore Shoals (near Elizabethton, Tennessee); from Sycamore Shoals to Quaker Meadows (near Morganton, North Carolina); from the mustering point in Surry County, North Carolina, to Quaker Meadows; and from Quaker Meadows to Kings Mountain, South Carolina, as depicted on the map identified as Map 3--Historic Features--1780 in the draft study report entitled "Overmountain Victory Trail" dated December 1979. The map shall be on file and available for public inspection in the Office of the Director, National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.

(10) The Ice Age National Scenic Trail, a trail of approximately one thousand miles, extending from Door Country, Wisconsin, to Interstate Park in Saint Croix County, Wisconsin, generally following the route described in "On the Trail of the Ice Age--A Hiker's and Biker's Guide to Wisconsin's Ice Age National Scientific Reserve and Trail", by Henry S. Reuss, Member of Congress, dated 1980. The guide and maps shall be on file and available for public inspection in the Office of the Director, National Park Service, Washington, District of Columbia. Overall administration of the trail shall be the responsibility of the Secretary of the Interior pursuant to section 5(d) of this Act. The State of Wisconsin, in consultation with the Secretary of the Interior, may, subject to the approval of the Secretary, prepare a plan for the management of the trail which shall be deemed to meet the requirements of section 5(e) of this Act. Notwithstanding the provisions of section 7(c), snowmobile use may be permitted on segments of the Ice Age National Scenic Trail where deemed appropriate by the Secretary and the managing authority responsible for the segment.

(11) The Potomac Heritage National Scenic Trail, a corridor of approximately seven hundred and four miles following the route as generally depicted on the map identified as "National Trails System, Proposed Potomac Heritage Trail" in "The Potomac Heritage Trail," a report prepared by the Department of the Interior and dated December 1974, except that no designation of the trail shall be made in the State of West Virginia. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Washington, District of Columbia. The trail shall initially consist of only those segments of the corridor located within the exterior boundaries of federally administered areas. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Potomac Heritage Trail.
The Secretary of the Interior may designate lands outside of federally administered areas as segments of the trail, only upon application from the States or local governmental

agencies involved, if such segments meet the criteria established in this Act and are administered by such agencies without expense to the United States. The trail shall be administered by the Secretary of the Interior.

(12) The Natchez Trace National Scenic Trail, a trail system of approximately six hundred and ninety-four miles extending from Nashville, Tennessee, to Natchez, Mississippi, as depicted on the map entitled "Concept Plan, Natchez Trace Trails Study" in "The Natchez Trace," a report prepared by the Department of the Interior and dated August 1979. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.

(13) The Florida National Scenic Trail, a route of approximately thirteen hundred miles extending through the State of Florida as generally depicted in "The Florida Trail," a national scenic trail study draft reported prepared by the Department of the Interior and dated February 1980. The report shall be on file and available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Florida Trail except with the consent of owner thereof. The Secretary of Agriculture may designate lands outside of federally administered areas as segments of the trail, only upon application from the States or local governmental agencies involved, if such segments meet the criteria established in this Act and are administered by such agencies without expense to the United States. The trail shall be administered by the Secretary of Agriculture.

(b) The Secretary of the Interior, through the agency most likely to administer such trail, and the Secretary of Agriculture where lands administered by him are involved, shall make such additional studies as are herein or may hereafter be authorized by the Congress for the purpose of determining the feasibility and desirability of designating other trails as national scenic or national historic trails. Such studies shall be made in consultation with the heads of other Federal agencies administering lands through which such additional proposed trails would pass and in cooperation with interested interstate, State, and local governmental agencies, public and private organizations, and landowners and land users concerned. The feasibility of designating a trail shall be determined on the basis of an evaluation of whether or not it is physically possible to develop a trail along a route being studied, and whether the development of trail would be financially feasible. The studies listed in subsection (c) of this section shall be

completed and submitted to the Congress, with recommendations as to the suitability of trail designation, not later than three complete fiscal years from the date of enactment of their addition to this subsection, or from the date of enactment of this sentence, whichever is later. Such studies, when submitted, shall be printed as a House or Senate document, and shall include, but not be limited to:

(1) the proposed route of such trail (including maps and illustrations);

(2) the areas adjacent to such trails, to be utilized for scenic, historic, natural, cultural, or developmental purposes;

(3) the characteristics which, in the judgment of the appropriate Secretary, make the proposed trail worthy of designation as a national scenic or national historic trail; and in the case of national historic trails the report shall include the recommendation of the Secretary of the Interior's National Park System Advisory Board as to the national historic significance based on the criteria developed under the Historic Sites Act of 1935 (40 Stat. 666; 16 U.S.C. 461);

(4) the current status of land ownership and current and potential use along the designated route;

(5) the estimated cost of acquisition of lands or interest in lands, if any;

(6) the plans for developing and maintaining the trail and the cost thereof;

(7) the proposed Federal administering agency (which, in the case of a national scenic or national historic trail wholly or substantially within a national forest, shall be the Department of Agriculture);

(8) the extent to which a State or its political subdivisions and public and private organizations might reasonably be expected to participate in acquiring the necessary lands and in the administration thereof;

(9) the relative use of the lands involved, including: the number of anticipated visitor-days for the entire length of, as well as for segments of, such trail; the number of months which such trail, or segments thereof, will be open for recreation purposes; the economic and social benefits which might accrue from alternate land uses; and the estimated man-years of civilian employment and expenditures expected for the purposes of maintenance, supervision, and regulation of such trail;

(10) the anticipated impact of public outdoor recreation use on the preservation of a proposed national historic trail and its related historic and archeological features and settings, including the measures proposed to ensure evaluation and preservation of the values that contribute to their national historic significance; and

(11) to qualify for designation as a national historic trail, a trail must meet all three of the following criteria:

(A) It must be a trail or route established by historic use and must be historically significant as a result of that use. The route need not currently exist as a discernible trail to qualify, but its location must be sufficiently known to permit evaluation of public recreation and historical interest potential. A designated trail should generally accurately follow the historic route, but may deviate somewhat on occasion of necessity to avoid difficult routing through subsequent development, or to provide some route variation offering a more pleasurable recreational experience. Such deviations shall be so noted on site. Trail segments no longer possible to travel by trail due to subsequent development as motorized transportation routes may be designated and marked onsite as segments which link to the historic trail.

(B) It must be of national significance with respect to any of several broad facets of American history, such as trade and commerce, exploration, migration and settlement, or military campaigns. To qualify as nationally significant, historic use of the trail must have had a far-reaching effect on broad patterns of American culture. Trails significant in the history of native Americans may be included.

(C) It must have significant potential for public recreational use or historical interest based on historic interpretation and appreciation. The potential for such use is generally greater along roadless segments developed as historic trails, and at historic sites associated with the trail. The presence of recreation potential not related to historic appreciation is not sufficient justification for designation under this category.

(c) The following routes shall be studied in accordance with the objectives outlined in subsection (b) of this section:

(1) Continental Divide Trail, a three-thousand, one-hundred-mile trail extending from near the Mexican border in southwestern New Mexico northward generally along the Continental Divide to the Canadian border in Glacier National Park.

(2) Potomac Heritage Trail, an eight-hundred-and-twenty-five-mile trail extending generally from the mouth of the Potomac River to its sources in Pennsylvania and West Virginia, including the one-hundred-and-seventy-mile Chesapeake and Ohio Canal towpath.

(3) Old Cattle Trails of the Southwest from the vicinity of San Antonio, Texas, approximately eight hundred miles through Oklahoma via Baxter Springs and Chetopa, Kansas, to Fort Scott, Kansas, including the Chisholm Trail, from the vicinity of San Antonio or Cuero, Texas, approximately eight hundred miles north through Oklahoma to Abilene, Kansas.

(4) Lewis and Clark Trail, from Wood River, Illinois, to the Pacific Ocean in Oregon, following both the outbound and inbound routes of the Lewis and Clark Expedition.

(5) Natchez Trace, from Nashville, Tennessee, approximately six hundred miles to Natchez, Mississippi.

(6) North Country Trail, from the Appalachian Trail in Vermont, approximately three thousand two hundred miles through the States of New York, Pennsylvania, Ohio, Michigan, Wisconsin, and Minnesota, to the Lewis and Clark Trail in North Dakota.

(7) Kittanning Trail from Shirleysburg in Huntingdon County to Kittanning, Armstrong County, Pennsylvania.

(8) Oregon Trail, from Independence, Missouri, approximately two thousand miles to near Fort Vancouver, Washington.

(9) Santa Fe Trail, from Independence, Missouri, approximately eight hundred miles to Santa Fe, New Mexico.

(10) Long Trail, extending two hundred and fifty-five miles from the Massachusetts border northward through Vermont to the Canadian Border.

(11) Mormon Trail, extending from Nauvoo, Illinois, to Salt Lake City, Utah, through the States of Iowa, Nebraska, and Wyoming.

(12) Gold Rush Trails in Alaska.

(13) Mormon Battalion Trail, extending two thousand miles from Mount Pisgah, Iowa, through Kansas, Colorado, New Mexico, and Arizona to Los Angeles, California.

(14) El Camino Real from St. Augustine to San Mateo, Florida, approximately 20 miles along the southern boundary of the St. Johns River from Fort Caroline National Memorial to the St. Augustine National Park Monument.

(15) Bartram Trail, extending through the States of Georgia, North Carolina, South Carolina, Alabama, Florida, Louisiana, Mississippi, and Tennessee.

(16) Daniel Boone Trail, extending from the vicinity of Statesville, North Carolina, to Fort Boonesborough State Park, Kentucky.

(17) Desert Trail, extending from the Canadian border through parts of Idaho, Washington, Oregon, Nevada, California., and Arizona, to the Mexican border.

(18) Dominguez-Escalante Trail, extending approximately two thousand miles along the route of the 1776 expedition led by Father Francisco Atanasio Dominguez and Father Silvestre Velez de Escalante, originating in Santa Fe, New Mexico; proceeding northwest along the San Juan,

Dolores, Gunnison, and White Rivers in Colorado; thence westerly to Utah Lake; thence southward to Arizona and returning to Santa Fe.

(19) Florida Trail, extending north from Everglades National Park, including the Big Cypress Swamp, the Kissimmee Prairie, the Withlacoochee State Forest, Ocala National Forest, Osceola National Forest, and Black Water River State Forest, said completed trail to be approximately one thousand three hundred miles long, of which over four hundred miles of trail have already been built.

(20) Indian Nations Trail, extending from the Red River in Oklahoma approximately two hundred miles northward through the former Indian nations to the Oklahoma-Kansas boundary line.

(21) Nez Perce Trail extending from the vicinity of Wallowa Lake, Oregon, to Bear Paw Mountain, Montana.

(22) Pacific Northwest Trail, extending approximately one thousand miles from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean beach of Olympic National Park, Washington, by way of--

(A) Flathead National Forest and Kootenai National Forest in the State of Montana;

(B) Kaniksu National Forest in the State of Idaho; and

(C) Colville National Forest, Okanogan National Forest, Pasayten Wilderness Area, Ross Lake National Recreation Area, North Cascades National Park, Mount Baker, the Skagit River, Deception Pass, Whidbey Island, Olympic National Forest, and Olympic National Park in the State of Washington. (16 U.S.C. 1244)

(23) Overmountain Victory Trail, extending from the vicinity of Elizabethton, Tennessee, to Kings Mountain National Military Park, South Carolina.

(24) Juan Bautista de Anza Trail, following the overland route taken by Juan Bautista de Anza in connection with his travels from the United States Mexican States to San Francisco, California.

(25) Trail of Tears, including the associated forts and specifically, Fort Mitchell, Alabama, and historic properties, extending from the vicinity of Murphy, North Carolina, through Georgia, Alabama, Tennessee, Kentucky, Illinois, Missouri, and Arkansas, to the vicinity of Tahleguah, Oklahoma.

(26) Illinois Trail, extending from the Lewis and Clark Trail at Wood River, Illinois, to the Chicago Portage National Historic Site, generally following the Illinois River and the Illinois and Michigan Canal.

(27) Jedediah Smith Trail, to include the routes of the explorations led by Jedediah Smith--

(A) during the period 1826-1827, extending from the Idaho-Wyoming border, through the Great Salt Lake, Sevier, Virgin, and Colorado River Valleys, and the Mojave Desert, to the San Gabriel Mission, California; thence through the Tehachapi Mountains, San Joaquin and Stanislaus River Valleys, Ebbetts Pass, Walker River Valley, Bald Mount, Mount Grafton, and Great Salt Lake to Bear Lake, Utan; and (B) during 1828, extending from the Sacramento and Trinity River valleys along the Pacific coastline, through the Smith and Willamette River Valleys to the Fort Vancouver National Historic Site, Washington, on the Columbia River.

(28) General Crook Trail, extending from Prescott, Arizona, across the Mogollon Rim to Fort Apache.

(29) Beale Wagon Road, within the Kaibab and Cononino National Forests in Arizona: Provided, such study may be prepared in conjunction with ongoing planning processes for these National Forests to be completed before 1990.

(d) The Secretary charged with the administration of each respective trail shall, within one year of the date of the addition of any national scenic or national historic trail to the system, and within sixty days of the enactment of this sentence for the Appalachian and Pacific Crest National Scenic Trails, establish an advisory council for each such trail, each of which councils shall expire ten years from the date of its establishment. If the appropriate Secretary is unable to establish such an advisory council because of the lack of adequate public interest, the Secretary shall so advise the appropriate committees of the Congress. The appropriate Secretary shall consult with such council from time to time with respect to matters relating to the trail, including the selection of rights-of-way, standards for the erection and maintenance of markers along the trail, and the administration of the trail. The members of each advisory council, which shall not exceed thirty-five in number, shall serve for a term of two years and without compensation as such, but the Secretary may pay, upon vouchers signed by the chairman of the council, the expenses reasonably incurred by the council and its members in carrying out their responsibilities under this section. Members of each council shall be appointed by the appropriate Secretary as follows:

(1) the head of each Federal department or independent agency administering lands through which the trail route passes, or his designee;

(2) a member appointed to represent each State through which the trail passes, and such appointments shall be made from recommendations of the Governors of such States;

(3) one or more members appointed to represent private organizations, including corporate and individual land-owners and land users, which in the opinion of the Secretary, have an established and recognized interest in the trail, and such appointments shall be made from recommendations of the heads of such organizations:

Provided, That the Appalachian Trail Conference shall be represented by a sufficient number of persons to represent the various sections of the country through which the Appalachian Trail passes; and

(4) the Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment.

(e) Within two complete fiscal years of the date of enactment of legislation designating a national scenic trail, except for the Continental Divide National Scenic Trail, and the North Country National Scenic Trail, as part of the system, and within two complete fiscal years of the date of enactment of this subsection for the Pacific Crest and Appalachian Trails, the responsible Secretary shall, after full consultation with affected Federal land managing agencies, the Governors of the affected States, the relevant advisory council established pursuant to section 5(d), and the Appalachian Trail Conference in the case of the Appalachian Trail, submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a comprehensive plan for the acquision, management, development, and use of the trail, including but not limited to, the following items:

(1) specific objectives and practices to be observed in the management of the trail, incuding the identification of all. significant natural historical, and cultural resources to be preserved (along with high potential historic sites and high potential route segments in the case of national historic trails), details of anticipated cooperative agreements to be consummated with other entities, and an identified carrying capacity of the trail and a plan for its implementation;

(2) an acquisition or protection plan, by fiscal year, for all lands to be acquired by fee title or lesser interest, along with detailed explanation of anticipated necessary cooperative agreements for any lands not to be acquired; and

(3) general and site-specific development plans including anticipated costs.

(f) Within two complete fiscal years of the date of enactment of legislation designating a national historic trail or the Continental Divide National Scenic Trail or the North Country National Scenic Trail, as part of the system, the responsible Secretary shall, after full consultation with affected Federal land managing agencies, the Governors of the affected States, and the relevant Advisory Council established pursuant to section 5(d) of this Act, submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a comprehensive plan for the management, and use of the trail, including but not limited to, the following items;

(1) specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, details of any anticipated cooperative agreements to be consummated with State and local government agencies or private interests, and for national scenic or national historic trails an identified carrying capacity of the trail and a plan for its implementation;

(2) the process to be followed by the appropriate Secretary to implement the marking requirements established in section 7(c) of this Act;

(3) a protection plan for any high potential historic sites or high potential route segments; and

(4) general and site-specific development plans, including anticipated costs.

CONNECTING AND SIDE TRAILS

Sec. 6. Connecting or side trails within park, forest, and other recreation areas administered by the Secretary of the Interior or Secretary of Agriculture may be established, designated, and marked by the appropriate Secretary as components of a national recreation, national scenic or national historic trail. When no Federal land acquisition is involved, connecting or side trails may be located across lands administered by interstate, State, or local governmental agencies with their consent or, where the appropriate Secretary deems necessary or desirable, on privately owned lands with the consent of the landowner. Applications for approval and designation of connecting and side trails on non-Federal lands shall be submitted to the appropriate Secretary.

ADMINISTRATION AND DEVELOPMENT

Sec. 7. (a)(1)(A) The Secretary charged with the overall administration of a trail pursuant to section 5(a) shall, in administering and managing the trail, consult with the heads of all other affected State and Federal agencies. Nothing contained in this Act shall be deemed to transfer among Federal agencies any management responsibilities established under any other law for federally administered lands which are components of the National Trails System. Any transfer of management responsibilities may be carried out between the Secretary of the Interior and the Secretary of Agriculture only as provided under subparagraph (B).

(B) The Secretary charged with the overall administration of any trail pursuant to section 5(a) may transfer management of any specified trail segment of such trail to the other appropriate Secretary pursuant to a joint memorandum of agreement containing such terms and conditions as the Secretaries consider most appropriate to accomplish the purposes of this Act. During any period in which management responsibilities for any trail segments are transferred under such an agreement, the management of any such segment shall be subject to the laws, rules, and regulations of the Secretary provided with the management authority under the agreement except to such extent as the agreement may otherwise expressly provide.

(2) Pursuant to section 5(a), the appropriate Secretary shall select the rights-of-way for national scenic and national historic trails and shall publish notice thereof of the availability of appropriate maps or descriptions in the Federal Register; Provided, That in selecting the rights-of-way full consideration shall be given to minimizing the adverse effects upon the adjacent landowner or user and his operation. Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land. The location and width of such rights-of-way across Federal lands under the jurisdiction of another Federal agency shall be by agreement between the head of that agency and the appropriate Secretary. In selecting rights-of-way for trail purposes, the Secretary shall obtain the advice and assistance of the States, local governments, private organizations, and landowners and land users concerned.

(b) After publication on notice of the availability of appropriate maps or descriptions in the Federal Register, the Secretary charged with the administration of a national scenic or national historic trail may relocate segments of a national scenic or national historic trail right-of-way, with the concurrence of, the head of the Federal agency having jurisdiction over the lands involved, upon a determination that:

(i) Such a relocation is necessary to preserve the purposes for which the trail was established, or

(ii) the relocation is necessary to promote a sound land management program in accordance with established multiple-use principles; Provided, That a substantial relocation of the rights-of-way for such trail shall be by Act of Congress.

(c) National scenic or national historic trails may contain campsites, shelters, and related-public-use facilities. Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted by the Secretary charged with the

administration of the trail. Reasonable efforts shall be made to provide sufficient access opportunities to such trails and, to the extent practicable, efforts shall be made to avoid activities incompatible with the purposes for which such trails were established. The use of motorized vehicles by the general public along any national scenic trail shall be prohibited and nothing in this Act shall be construed as authorizing the use of motorized vehicles within the natural and historical areas of the national park system, the national wildlife refuge system, the national wilderness preservation system where they are presently prohibited or on other Federal lands where trails are designated as being closed to such use by the appropriate Secretary: Provided, That the Secretary charged with the administration of such trail shall establish regulations which shall authorize the use of motorized vehicles when, in his judgment, such vehicles are necessary to meet emergencies or to enable adjacent landowners or land users to have reasonable access to their lands or timber rights: Provided further, That private lands included in the national recreation, national scenic, or national historic trails by cooperative agreement of a landowner shall not preclude such owner from using motorized vehicles on or across such trails or adjacent lands from time to time in accordance with regulations to be established by the appropriate Secretary. Where a national historic trail follows existing public roads, developed rights-of-way or waterways, and similar features of man's nonhistorically related development, approximating the original location of a historic route, such segments may be marked to facilitate retracement of the historic route, and where a national historic trail parallels an existing public road, such road may be marked to commemorate the historic route. Other uses along the historic trails and the Continental Divide National Scenic Trail, which will not substantially interfere with the nature and purposes of the trail, and which, at the time of designation, are allowed by administrative regulations, including the use of motorized vehicles, shall be permitted by the Secretary charged with the administration of the trail. The Secretary of the Interior and the Secretary of Agriculture, in consultation with appropriate governmental agencies and public and private organizations, shall establish a uniform marker, including thereon an appropriate and distinctive symbol for each national recreation, national scenic, and national historic trail. Where the trails cross lands administered by Federal agencies such markers shall be erected at appropriate points along the trails and maintained by the Federal agency administering the trail in accordance with standards established by the appropriate Secretary and where the trails cross non-Federal lands, in accordance with written cooperative agreements, the appropriate Secretary shall provide such uniform markers to cooperating agencies and shall require such agencies to erect and maintain them in accordance with the standards established. The appropriate Secretary may also provide for trail interpretation sites, which shall be located at historic sites along the route of any national scenic or national historic trail, in order to present information to the public about the trail, at the lowest possible cost, with emphasis on the portion of the trail passing through the State in which the site is located. Wherever possible, the sites shall be maintained by a State agency under a cooperative agreement between the appropriate Secretary and the State agency.

(d) Within the exterior boundaries of areas under their administration that are included in the right-of-way selected for a national recreation, national scenic, or national historic trail, the heads of Federal agencies may use lands for trail purposes and may acquire lands or interests in lands by written cooperative agreement, donation, purchase with donated or appropriated funds or exchange.

(e) Where the lands included in a national scenic or national historic trail right-of-way are outside of the exterior boundaries of federally administered areas, the Secretary charged with the administration of such trail shall encourage the State or local governments involved (1) to enter into written cooperative agreements with landowners, private organizations, and individuals to provide the necessary trail right-of-way, or (2) to acquire such lands or interests therein to be utilized as segments of the national scenic or national historic trail: Provided, That if the State or local governments fail to enter into such written cooperative agreements or to acquire such lands or interests therein after notice of the selection of the right-of-way is published, the appropriate Secretary may (i) enter into such agreements with landowners, States, local governments, private organizations, and individuals for the use of lands for trail purposes, or (ii) acquire private lands or interests therein by donation, purchase with donated or appropriated funds or exchange in accordance with the provisions of subsection (f) of this section: Provided further, That the appropriate Secretary may acquire lands or interests therein from local governments or governmental corporations with the consent of such entities. The lands involved in such rights-of-way should be acquired in fee, if other methods of public control are not sufficient to assure their use for the purpose for which they are acquired: Provided, That if the Secretary charged with the administration of such trail permanently relocates the right-of-way and disposes of all title or interest in the land, the original owner, or his heirs or assigns, shall be offered, by notice given at the

former owner's last known address, the right of first refusal at their fair market price.

(f)(1) The Secretary of the Interior, in the exercise of his exchange authority, may accept title to any non-Federal property within the right-of-way and in exchange therefor he may convey to the grantor of such property and federally owned property under his jurisdiction which is located in the State wherein such property is located and which he classifies as suitable for exchange or other disposal. The value of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. The Secretary of Agriculture, in the exercise of his exchange authority, may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(2) In acquiring lands or interests therein for a National Scenic Historic Trail, the appropriate Secretary may, with consent of a landowner, acquire whole tracts notwithstanding that parts of such tracts may lie outside the area of trail acquisition. In furtherance of the purposes of this act, lands so acquired outside the area of trail acquisition may be exchanged for any non-Federal lands or interests therein within the trail right-of-way, or disposed of in accordance with such procedures or regulations as the appropriate Secretary shall prescribe, including:

(i) provisions for conveyance of such acquired lands or interests therein at not less than fair market value to the highest bidder, and

(ii) provisions for allowing the last owners of record a right to purchase said acquired lands or interests therein upon payment or agreement to pay an amount equal to the highest bid price. For lands designated for exchange or disposal, the appropriate Secretary may convey these lands with any reservations or covenants deemed desirable to further the purposes of this act. The proceeds from any disposal shall be credited to the appropriation bearing the costs of land acquisition for the affected trail.

(g) The appropriate Secretary may utilize condemnation proceedings without the consent of the owner to acquire private lands or interests therein pursuant to this section only in cases where, in his judgment, all reasonable efforts to acquire such lands or interests therein by negotiation have failed, and in such cases he shall acquire only such title as, in his judgment, is reasonably necessary to provide passage across such lands: Provided, That condemnation proceedings may not be utilized to acquire fee title or lesser interests to more than an average of one hundred and twenty-five acres per mile. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to appropriations from other sources, be available to Federal departments for the acquisition of lands or interests in lands for the purposes of this Act. For national historic trails, direct Federal acquisition for trail purposes shall be limited to those areas indicated by the study report or by the comprehensive plan as high potential route segments of high potential historic sites. Except for designated protected components of the trail, no land or site located along a designated national historic trail or along the Continental Divide National Scenic Trail shall be subject to the provisions of section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f) unless such land or site is deemed to be of historical significance under appropriate historical site criteria such as those for the National Register of Historic Places.

(h)(1) The Secretary charged with the administration of a national recreation, national scenic, or national historic trail shall provide for the development and maintenance of such trails within federally administered areas and shall cooperate with and encourage the States to operate, develop, and maintain portions of such trails which are located outside the boundaries of federally administered areas. When deemed to be in the public interest, such Secretary may enter written cooperative agreements with the States or their political subdivisions, landowners, private organizations, or individuals to operate, develop, and maintain any portion of such a trail either within or outside a federally administered area. Such agreements may include provisions for limited financial assistance to encourage participation in the acquisition, protection, operation, development, or maintenance of such trails, provisions providing volunteer in the park or volunteer in the forest status (in accordance with the Volunteers in the Parks Act of 1969 and the Volunteers in the Forests Act of 1972) to individuals, private organizations, or landowners participating in such activities, or provisions of both types. The appropriate Secretary shall also initiate consultations with affected States and their political subdivisions to encourage--

(A) the development and implementation by such entities of appropriate measures to protect private landowners from trespass resulting from trail use and from unreasonable personal liability and property damage caused by trail use, and

(B) the development and implementation by such entities of provisions for land practices compatible with the purposes of this Act, for property within or adjacent to trail rights-of-way. After consulting with States and their political subdivisions under the preceding sentence, the Secretary may provide assistance to such entities under appropriate cooperative agreements in the manner provided by this subsection.

(2) Whenever the Secretary of the Interior makes any conveyance of land under any of the public land laws, he may reserve a right-of-way for trails to the extent he deems necessary to carry out the purposes of this Act.

(i) The appropriate Secretary, with the concurrence of the heads of any other Federal agencies administering lands through which a national recreation, national scenic, or national historic trail passes, and after consultation with the States, local governments, and organizations concerned, may issue regulations, which may be revised from time to time, governing the use, protection, management, development, and administration of trails of the national trails system. In order to maintain good conduct on and along the trails located within federally administered areas and to provide for the proper government and protection of such trails, the Secretary of the Interior and the Secretary of Agriculture shall prescribe and publish such uniform regulations as they deem necessary and any person who violates such regulations shall be guilty of a misdemeanor, and may be punished by a fine of not more than $500, or by imprisonment not exceeding six months, or by both such fine and imprisonment. The Secretary responsible for the administration of any segment of any component of the National Trails System (as determined in a manner consistent with subsection (a)(1) of this section) may also utilize authorities related to units of the national park system or the national forest system, as the case may be, in carrying out his administrative responsibilities for such component.

(j) Potential trail uses allowed on designated components of the national trails system may include, but are not limited to, the following: bicycling, cross-county skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long distance backpacking, snowmobiling, and surface water and underwater activities. Vehicles which may be permitted on certain trails may include, but need not be limited to, motorcycles, bicycles, four-wheel drive or all-terrain off-road vehicles. In addition, trail access for handicapped individuals may be provided. The provisions of this subsection shall not supersede any other provisions of this Act or other Federal laws, or any State or local laws.

(k) For the conservation purpose of preserving or enhancing the recreational, scenic, natural, or historical values of components of the national trails system, and environs thereof as determined by the appropriate Secretary, landowners are authorized to donate or otherwise convey qualified real property interests to qualified organizations consistent with section 170 (h)(3) of the Internal Revenue

Code of 1954, including, but not limited to, right-of-way, open space, scenic, or conservation easements, without regard to any limitation on the nature of the estate or interest otherwise transferable within the jurisdiction where the land is located. The convenyance of any such interest in land in accordance with this subsection shall be deemed to further a Federal conservation policy and yield a significant public benefit for purposes of section 6 of Public Law 96-541.

STATE AND METROPOLITAN AREA TRAILS

Sec. 8. (a) The Secretary of the Interior is directed to encourage States to consider, in their comprehensive statewide outdoor recreation plans and proposals for financial assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act, needs and opportunities for establishing park, forest, and other recreation and historic trails on lands owned or administered by States, and recreation trails on lands in or near urban areas.

The Secretary is also directed to encourage States to consider, in their comprehensive statewide historic preservation plans and proposals for financial assistance for State, local, and private projects submitted pursuant to the Act of October 15, 1966 (80 Stat. 915), as amended, needs and opportunities for establishing historic trails. He is further directed, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), to encourage States, political subdivisions, and private interests, including nonprofit organizations, to establish such trails.

(b) The Secretary of Housing and Urban Development is directed, in administering the program of comprehensive urban planning and assistance under section 701 of the Housing Act of 1954, to encourage the planning of recreation trails in connection with the recreation and transportation planning for metropolitan and other urban areas. He is further directed, in administering the urban open-space program under title VII of the Housing Act of 1961, to encourage such recreation trails.

(c) The Secretary of Agriculture is directed, in accordance with authority vested in him, to encourage States and local agencies and private interests to establish such trails.

(d) The Secretary of Transportation, the Chairman of the Interstate Commerce Commission, and the Secretary of the Interior, in administering the Railroad Revitalization and Regulatory, Reform Act of 1976, shall encourage State and local agencies and private interests to establish appropriate trails using the provisions of such programs. Consistent with the purposes of that Act, and in furtherance

of the national policy to preserve established railroad rights-of-way for future reactivation of rail service, to protect rail transportation corridors, and to encourage energy efficient transportation use in the case of interim use of any established railroad rights-of-way pursuant to donation, transfer, lease, sale, or otherwise in a manner consistent with the National Trails system Act, if such interim use is subject to restoration or reconstruction for railroad purposes, such interim use shall not be treated, for purposes of any law or rule of law, as an abandonment of the use of such rights-of-way for railroad purposes. If a State, political subdivision, or qualified private organization is prepared to assume full responsibility for management of such rights-of-way and for any legal liability arising out of such transfer or use, and for the payment of any and all taxes that may be levied or assessed against such rights-of-way, then the Commission shall impose such terms and conditions as a requirement of any transfer or conveyance for interim use in a manner consistent with this Act, and shall not permit abandonment or discontinuance inconsistent or disruptive of such use.

(e) Such trails may be designated and suitably marked as parts of the nationwide system of trails by the States, their political subdivisions, or other appropriate administering agencies with the approval of the Secretary of the Interior.

RIGHTS-OF-WAY AND OTHER PROPERTIES

Sec. 9. (a) The Secretary of the Interior on the Secretary of Agriculture as the case may be, may grant easements and rights of way upon, over, under, across, or along any component of the national trails system in accordance with laws applicable to the national park system and the national forest system, respectively: *Provided*, That any conditions contained in such easements and rights-of-way shall be related to the policy and purposes of this Act.

(b) The Department of Defense, the Department of Transportation, the Interstate Commerce Commission, the Federal Communications Commission, the Federal Power Commission, and other Federal agencies have jurisdiction or control over or information concerning the use, abandonment, or disposition of road ways, utility rights-of-way, or other properties which may be suitable for the purpose of improving or expanding the national trails system shall cooperate with the Secretary of the Interior and the Secretary of Agriculture in order to assure, to the extent practicable, that any such properties having values suitable for trail purposes may be made available for such use. (16 U.S.C. 1248)

AUTHORIZATION OF APPROPRIATIONS

Sec. 10. (a)(1) There are hereby authorized to be appropriated for the acquisition of lands or interests in lands not more than $5,000,000 for the Appalachian National Scenic Trail and not more than $500,000 for the Pacific Crest National Scenic Trail. From the appropriations authorized for fiscal year 1979 and succeeding fiscal years pursuant to the Land and Water Conservation Fund Act (78 Stat. 897), as amended, not more than the following amounts may be expended for the acquisition of lands and interests in lands authorized to be acquired pursuant to the provisions of this Act: for the Appalachian National Scenic Trail, not to exceed $30,000,000 for fiscal year 1979, $30,000,000 for fiscal year 1980, and $30,000,000 for fiscal year 1981, except that the difference between the foregoing amounts and the actual appropriations in any one fiscal year shall be available for appropriation in subsequent fiscal years.

(2) It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program necessary to insure the protection of the Appalachian Trail within three complete fiscal years following the date of enactment of this sentence.

Until the entire acquisition program is completed, he shall transmit in writing at the close of each fiscal year the following information to the Committee on Energy and Natural Resources of the Senate and to the Committee on Interior and Insular Affairs of the House of Representatives.

(A) the amount of land acquired during the fiscal year and the amount expended therefor;

(B) the estimated amount of land remaining to be acquired; and

(C) the amount of land planned for acquisition in the ensuing fiscal year and the estimated cost thereof.

(b) For the purposes of Public Law 95-42 (91 Stat. 211), the lands and interests therein acquired pursuant to this section shall be deemed to qualify for funding under the provisions of section 1, clause 2, of said Act.

(c)(1) There is hereby authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs 5(a)(3), (4), (5), (6), (7), (8), (9), and (10); *Provided*, That no such funds are authorized to be appropriated prior to October 1, 1978: *And provided further*, That notwithstanding any other provisions of this Act or any other provisions of law, no funds may be expended by Federal agencies for the acquisition of lands or interests in lands outside the exterior boundaries of existing Federal areas for the Continental Divide National Scenic Trail, the North Country National Scenic Trail, The Ice Age National Scenic Trail, the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Lewis and Clark National Historic Trail and the Iditarod National Historic Trail, except that funds may be expended for the acquisition of lands of interests therein for the purpose of providing for one trail interpretation site, as described in section 7(c), along with such trail in each State crossed by the trail.

(2) There is hereby authorized to be appropriated for fiscal year 1983 and subsequent fiscal years such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs (9) through (13) of section 5(a) of this Act. Not more than $500,000 may be appropriated for the purposes of acquisition of land and interests therein for the trail designated by section (a)(12) of this Act, and not more than 32,000,000 may be appropriated for the purposes of the development of such trail. The administrating agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.

VOLUNTEER ASSISTANCE

Sec. 11. (a)(1) In addition to the cooperative agreement and other authorities contained in this Act, the Secretary of the Interior, the Secretary of Agriculture, and the head of any Federal agency administering Federal lands, are authorized to encourage volunteers and volunteer organizations to plan, develop, maintain, and manage, where appropriate, trails throughout the Nation.

(2) Wherever appropriate in furtherance of the purposes of this Act, the Secretaries are authorized and encouraged to utilize the Volunteers in the Parks Act of 1969, the Volunteers in the Forests Act of 1972, and section 6 of the Land and Water Conservation Fund Act of 1965 (relating to the development of Statewide Comprehensive Outdoor Recreation Plans).

(b) Each Secretary or the head of any Federal land managing agency, may assist volunteers and volunteers organizations in planning, developing, maintaining, and managing trails, Volunteer work may include, but need not be limited to:

(1) Planning, developing, maintaining, or managing (A) trails which are components of the national trails system, or (B) trails which, if so developed and maintained, could qualify for desig nation as components of the national trails system; or (2) operating programs to organize and supervise volunteer trail building efforts with respect to the trails referred to in paragraph (1), conducting trail-related research projects, or providing education and training to volunteers on methods of trails planning, construction, and maintenance.

(c) The appropriate Secretary or the head of any Federal land managing agency may utilize and make available Federal facilities, equipment, tools, and technical assistance to volunteers and volunteer organizations, subject to such limitations and restrictions as the appropriate Secretary or the head of any Federal land managing agency deems necessary or desirable.

Appendix B

Secretary of Agriculture's Memorandum No. 1042-50, establishing CDNST Advisory Council

5/4/84

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250

DEPARTMENTAL REGULATION		NUMBER: 1042-50
SUBJECT: CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL ADVISORY COUNCIL	DATE: May 4, 1984 OPI: Forest Service	

1 PURPOSE

a The Continental Divide National Scenic Trail Advisory Council is hereby renewed in accordance with the provisions of the National Trails System Act of 1968 as amended by Section 551, Title V of the National Parks and Recreation Act of 1978 (P.L. 95-625) and The Federal Advisory Committee Act (P.L. 92-463). Renewal of this Council is in the public interest in connection with the performance of duties assigned to the Department by the National Trails System Act as amended. The purpose of this Council is to advise the Secretary of Agriculture on the development and management of the Continental Divide National Scenic Trail. The Council is needed to obtain this advice from a broad range of concerned individuals and organizations. The advice will be coordinated with the Secretary of the Interior and the Regional Foresters of the Northern, Intermountain, Rocky Mountain, and Southwestern Regions of the Forest Service; the State Directors of the Bureau of Land Management for the States of Montana, Idaho, Wyoming, Colorado, and New Mexico; the Rocky Mountain Region of the National Park Service; and the Governors of the above States.

b The National Trails System, authorized by the National Trails System Act (P.L. 90-543) as amended, is composed of recreation, historic, and scenic trails to provide for increasing outdoor recreation needs and to promote access to, travel within, and enjoyment of outdoor areas.

c This regulation incorporates the charter of the Continental Divide National Scenic Trail Advisory Council as follows:

2 SPECIAL INSTRUCTIONS/CANCELLATION

a The Council was established for a period of 10 years beginning November 27, 1979. This regulation will expire 2 years from the date of this regulation.

b Departmental Regulation 1042-50 dated April 6, 1982, is hereby superseded.

3 OFFICERS AND MEMBERSHIP

a Members will be appointed by the Secretary to serve a 2-year term. The Council may provide for a series of staggered terms to ensure continuity of Council operation and procedures. Membership will include:

DISTRIBUTION: 10

(1) A member appointed to represent each Federal Department or independent Agency administering lands through which the Trail route passes. Each representative shall be designated by the head of such Department or Agency.

(2) A member appointed to represent each State through which the Trail passes. Appointment of such representatives shall be made from the recommendations of the Governors of such States.

(3) One or more members appointed to represent private organizations, including corporate and individual landowners and land users, having an established and recognized interest in the Trail. Appointment of such representatives shall be made from the recommendations by such organizations.

b The United States Department of Agriculture representative shall serve as Council chairperson. Members may be assigned to Subcommittees according to the geographic location of their places of residence. Each Subcommittee Chairperson will be appointed by the Council Chairperson from among the members of the Subcommittee.

c To assure a balance of differing views, the Council members will be drawn from government, industry, and organizations with a common interest in the development and coordination of land management plans and programs. To the extent practicable, the Council will have an ethnic, racial, and sexual balance.

4 DUTIES

Members shall consider broad questions of the National Trails System Act, policy, programs, and procedures affecting the development and administration of the Continental Divide National Scenic Trail and make recommendations to the Secretary. Responsibility for decisions remains with the Secretary and the Forest Service in accordance with existing laws and regulations.

5 ESTIMATED ANNUAL OPERATING COST

Members shall serve without pay, but with reimbursement of travel expenses and per diem for attendance at Council functions approved by the Chairperson. Annual operating costs are estimated at $26,000 with .25 person-years of staff support.

a Dollar value of the time and expenses which will be incurred by Federal agencies and employees in assisting in the operation of the Council.

$14,000

b Travel expenses, including per diem or subsistence which will be incurred by Council members and Department employees in attending to the Council's operation.

$ 9,000

c Cost of processing, publishing, and distributing required reports.

$ 1,000

d Federal funds which will be used to support directly the operation of the Council.

$24,000

e All expenses which will be paid by sources outside the Government, including, but not limited to, those paid by the Council members.

$ 2,000

Total Cost $26,000

Total Person-years of Staff Support .25

6 NUMBER AND FREQUENCY OF MEETINGS

Meetings will be held periodically, as the Secretary deems necessary, but at least once every 2 years. All meetings will be open to the public.

7 REPORTS/SUPPORT

a Support to the Council is provided by the Forest Service, USDA.

b The Council reports to the Secretary of Agriculture.

END

CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL
ADVISORY COUNCIL MEMBERS
May 4, 1985 through May 4, 1986

COUNCIL CHAIRMAN AND FOREST SERVICE REPRESENTATIVE:
James F. Torrence
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Bureau of Land Management
New Mexico State Office
P.O. Box 1449
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(505) 476-1227 (FTS) or (505) 988-6227 (Comm.)

NATIONAL PARK SERVICE REPRESENTATIVE:
Michael C. Beaudry
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STATE SUBGROUPS:

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Montana State Government Representaive
Department of Fish, Wildlife, and Parks
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Robert Kelly
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Gudrun Erika Gaskill (Gudi)
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Appendix C

Summary of Public Response to the CDNST

APPENDIX C

SUMMARY OF PUBLIC RESPONSE TO THE CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL

During the Spring of 1981, Citizens were asked to respond to various types of information regarding the newly Congressionally designated Continental Divide National Scenic Trail (CDNST). The topics that the public was asked to respond to were:

1. Tentatively identified issues.
2. Identify additional issues.
3. Proposed location criteria.
4. Identify additional location criteria.
5. Additional comments.

In addition, citizens were given an opportunity to priority rank three sets of eight variables each, pertaining to CDNST use. The three sets of variables were:

1. Ways in which the trail would be used.
2. Reasons for using the trail.
3. Activities that would detract from a trail experience.

Both the written comments and priority rankings were thoroughly anaysized. The written comments were analyzed by Forest Service personnel in Denver using an analysis system called Comparitive Input.[1] The priority rankings were analyzed by Forest Service personnel in Albuquerque and Denver using a computer assisted analysis system called P.U.B.L.I.C.[2] The in depth, detailed reports from both these analyses are available from the Forest Service Public Participation Coordinator in Denver, Colorado.

The primary units for analysis used in both types of comment were Social Resource Units (SRU). An SRU is defined as a geographic area of land that exhibits common cultural, social, economic, institutional, and physical characteristics.[3] By using SRU's,similarities and differences can quickly be identified and mapped. In addition, by using SRU's local issues can be pinpointed that may be influencing opinion. Figure 1 shows a map of the SRU's and their code designation.

This summary combines the results of both previously mentioned analyses and answers the following questions.

I. Who Responded?
II. What Did They Say?
    A. Tentative issues
    B. Additional issues
    C. Tentative location criteria
    D. Additional location criteria

III. What are the Publics' Alternatives for CDNST Location and Management?
IV. What Unique or Significant Findings Surfaced From the Publics Comment?

I. Who Responded?

At the close of the advertised response period 453 persons had returned the priority ranking sheets for analysis. In addition 138 persons had returned the written response forms for analysis. Because the individual identity of the respondents to the priority ranking was to remain anonymous, it is not known how many of the respondents returned both the written and priority ranked forms. It is assummed that most of the 138 persons who returned written response forms also returned the priority ranking forms.

The geographic distribution of the response was excellent as illustrated:

State	Written	Priority Ranked
Montana	29	56
Idaho	12	30
Wyoming	22	59
Colorado	40	111
New Mexico	27	168

In addition several responses were received from other states including states as far away as Hawaii, Alaska, California, and New Hampshire. Plus, 26 of the 32 CDNST advisory Council members responded. Figure 2 shows an accurate tabulation by SRU.

For purposes of comparison, 119 persons responded to information regarding the Pacific Crest National Scenic Trail in 1980

II. What Did They Say?

A. Tentative issues

1. Effect of the trail (and its use) on the management of adjacent lands.

Most respondents expressed the opinion that the CDNST should not dictate uses or management on adjacent lands, especially private lands. It was expressed that local land management agencies must be able to set land management objectives for local lands and not have their hands tied by Washington imposed objectives established for the CDNST. Many respondents went on to say that they felt that the effects of CDNST use would have little effect on adjacent lands if CDNST is well managed.

2. Criteria for available water sources.

This issue attracted very similar response from all SRU's, including those with very arid lands. Most respondents expressed the opinion that water is where you find it and a part of the trail experience. They went on to say that it is the responsibility of the government to adequately map water sources and to make accurate water availability information easily obtainable by the using public.

A few respondents expressed the need to develope some water sources in Wyoming's Great Basin and New Mexico's desert. A few respondents also suggested the protection of water sources by fencing them.

3. Trail use, conflicting uses, permit systems.

This issue attracted more diverse comment than any other issue. The major diversity centered around motorized use of the trail and a mandatory permit system.

Comments regarding motorized use ran the full spectrum from not allowing motorized use on any of the CDNST to making the entire trail available for motorized vehicles. Many persons commented on where motorized use already exists it should be allowed to continue. Others felt that the trail should be routed so as to avoid motorized use areas. Still others felt that if the trail passed through a motorized use area, then the motorized use should be eliminated. There did not appear to be any SRU where one opinion was a consensus of the respondents.

The comment regarding a permit system, likewise ran the gamut of opinion. Respondents from more populous SRU's seemed to be more agreeable to a permit system than persons from primarily rural SRU's. Some respondents felt that only motorized recreationist and horseback riders should be forced to get permits. On the other hand several respondents who identified themselves as long distance hikers felt that a permit system would be good if it controlled the number of novice or day hikers on the trail. Many respondents found themselves in a "Catch 22", they don't want a permit system, but couldn't think of any other alternatives for managing the expected numbers of people. Still others felt that a government controlled permit system was an improper use of authority and not consistent with present administration attempts to reduce the amount of government interference in peoples lives.

Both issues of motorized use and permit systems are intense issues.

4. Acceptable levels of use.

In most cases the comments regarding permit systems carried over to this issue. Almost all agreed that too many people can ruin a trail experience or eventually end up degrading the environment through which the trail will pass. Much of the comment regarding this issue will be discussed under "location criteria."

5. User Safety.

The comments regarding this issue were similar to those regarding water. Almost all respondents commented that safety is the responsibility of the traveler, but the government has the responsibility of providing adequate safety information to the traveler. Many respondents also commented that the government should sponser safety training courses for persons wanting to hike or ride the trail.

Respondents from SRU's with large portions of private lands said that private land owners must be protected from liability. Other respondents said that safety must be a prime consideration in routing the trail.

6. Other issues

Other issues brought to attention were:

a. Rights of way across private lands.
b. Condemnation of private lands.
c. Lack of funds to properly manage and maintain trail.
d. Priority of CDNST over the other trails for maintenance budgets.
e. Financial impact on local governments for search and rescue.
f. Impacts on threatened and endangered species i.e. grizzly bear and timber wolf.
g. Routing of the CDNST through Wilderness Areas and National Parks.

7. Location Criteria

This topic aroused quite a substantial number of comments.

Respondents from SRU 1B and 4A raised concern for the Grizzly Bear and its habitat. They indicated that the first and foremost location criteria should be the protection of wildlife.

Other respondents from primarily Montana, Wyoming, and Colorado indicated that concentrated use areas and fragile environments should be avoided. Many specifically mentioned that Wilderness and National

Parks should be avoided.

Many respondents commented that the most important criteria was the proximity of the trail to the Continental Divide. Still other respondents felt that user safety should be the primary criteria.

Several persons who identified themselves as experienced long distance hikers commented that resupply criteria should be considered that would route the trail through certain communities at appropriate points.

Many respondents commented that the avoidance of private lands should be a primary criteria. Others felt that a high quality scenic criteria should take precedence.

Others indicated that a trail is not necessary, only a designated corridor to allow the traveler the maximum amount of freedom and skill testing.

III. What are the Public's alternatives for CDNST Location and Management Criteria?

Five trail location and management criteria scenarios were developed on how the 453 respondents priority ranked the three sets of variables. The five scenarios are as follows:

A. This alternative would provide for a CDNST with emphasis on foot travel with some provision for horse use. The trail would not provide for any motorized use. The trail would be managed in a way as to provide educational opportunities for users. The trail would be routed so as to avoid urban areas. A trail routed through livestock ranges and small and big game habitat open to hunting would be O.K.

B. This alternative would provide for a CDNST with emphasis on foot travel. This alternative would de-emphasize horse use and would exclude motorized use. Provisions would be made under this alternative that would cater to the needs of the long distance hiker. The trail would be managed to provide educational opportunities for users. The trail would be routed so as to avoid urban areas. A trail routed through livestock ranges and small recreation sites would be O.K.

C. This alternative would provide for a CDNST that would emphasize motorized (motorbike and 4x4) recreation opportunities. Day hiking would be de-emphasized. The trail would be managed to provide educational opportunities and areas in which to test outdoor skills. The trail would be routed so as to avoid urban areas and large recreation sites. A trail routed through livestock ranges, timber harvest, and mining areas would be O.K.

D. This alternative would provide for a CDNST that would emphasize horse use, and would make provisions for some foot travel. This alternative would not provide opportunities for motorized travel. The trail would be managed to provide educational opportunities and areas in which to test outdoor skills. The trail would be routed so as to avoid urban areas and large recreation sites. A trail routed through livestock ranges, timber harvest, and mining areas would be O.K.

E. This alternative would provide for a CDNST that would emphasize long distance hiking. This alternative would de-emphasize horse use and not provide for motorized use. The trail would be managed to provide educational opportunities and opportunities to test outdoor skills. The trail would be routed so as to avoid mining sites and areas of motorized use. A trail routed through livestock ranges and small recreation sites would be O.K.

Of course with 24 different variables, numerous additional scenarios could have been developed. However, these five respond to the computer analysis. The five alternatives cover the spectrum from motorized, to horse, to foot travel.

After composing the alternative groupings of variables by SRU against the total, it is concluded by the analysists that the five previously described alternatives will meet almost all the respondents preferences regarding the location and management of the CDNST.

IV. What Unique or Significant Findings Surfaced From the Public's Comment?

Several Unique findings surfaced from the two analyses that were conducted. They are as follows:

1. No matter what the preferred mode of travel on the trail, the respondents very closely agreed on the reasons for using the CDNST. The respondents want to use the trail to get away from the daily pressure of life, learn about things along the trail, and be with friends.

2. People do not want to use the trail for the purpose of taking physical risks, although travelers should be capable of coping with natural hazards.

3. The most intense issues center around motorized use and permit systems.

4. The Grizzly Bear habitat issue is very intense in SRU 4A and 1B.

5. The five public generated alternatives should be sufficient as a starting point for alternative generation.

6. The analysis by SRU, illustrates a high degree of similarity among respondents on:

   Water, safety, reasons for using the trail, and activities that will detract from their experience.

7. Location criteria is extremely varied from SRU to SRU and within SRU's.

8. There is a universal concern about the CDNST attracting additional use and eventually degrading individual experiences and the surrounding environment.

9. There tends to be an anti-CDNST attitude in SRU 1A and 1B and by one of the two diverse groups in 3G.

10. The CDNST Advisory Council is representative of the respondents.

11. All 453 respondents who completed the priority ranking sheets were provided written response forms. A total of 138 written response forms were returned.

LOCATION CRITERIA

Review the location criteria listed in the newsletter. Tell us whether or not you feel these are valid. List any other location criteria and why you feel they are important. Use additional paper if necessary, fold inside, and staple before mailing.

Location Criteria:

Other Comments:

From ____________________

____

____

____________________ Zip ________

Official Business. Penalty for Private Use $300.

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL

FIRST CLASS PERMIT NO. 10040 WASHINGTON, D.C.

Postage will be paid by Forest Service, USDA

Director, Recreation
USDA Forest Service
P.O. Box 25127
Lakewood, CO 80225

USDA-F.S. Rocky Mountain Region

CDNST PLAN

(staple here)

GPO 830-838

FOOTNOTES

1. COMPARATIVE INPUT ANALYSIS; McLARREN, ROUNTREE, SEVERSON, STAED, WALTERS; 1979. This analysis technique is primarily designed to emphasize the qualitative content of public response. It is a traceable and visible system which organizes, summarizes, and documents public response in an objective and systematic manner. This system focuses on:

    a. where different groups agree and disagree.
    b. how geographical areas agree and disagree.

    The primary manner used in collecting public comment for this analysis system was a written response form.

2. P.U.B.L.I.C. (Public Values Analysis); RENTON eT AL., 1976. This analysis technique is a collection of computer procedures which are designed to lend a perspective on the process of goal identification. It charts the range of public preference and illustrates how the goals of each group will conflict. It allows the manager to develop alternative courses of action that will satisfy a particular pattern of public demands. This system:

    a. is mainly a quantitative analysis.
    b. looks at the surface meaning of response, but allows for an interpretation of deeper meaning.
    c. identifies ranges of public preferences.

    The manner used in collecting public comment for this analysis system was a set of priority ranking worksheets distributed and completed at public workshops.

3. SOCIAL RESOURCE UNITS; FOUNDATION FOR URBAN AND NEIGHBORHOOD DEVELOPMENT, USDA FOREST SERVICE, 1977. Social Resource Units form the major analysis unit in a management system entitled Socially Responsive Management (SRM). SRM is designed to ensure that decision makers are responsive to changing public attitudes and activities and their affect on resource use. It also ensures that decision makers are responsible for the affect of resource decisions on people and their environments.

PUBLIC RESPONSE FORM

CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL

Comprehensive Plan

Comment below. Feel free to use additional paper if necessary. Fold, staple, and mail no later than June 12, 1981.

Name ______________________________
Mailing Address ______________________________
______________________________ Zip __________
Organization Affiliation (optional) ______________________________
____
____

Check the box that best describes your interest in planning

- ☐ Private Landowner
- ☐ Backpacker/Hiker
- ☐ Equestrian
- ☐ Motorized Trail User
- ☐ Local Government
- ☐ State Government
- ☐ Federal Government
- ☐ Private Industry
- ☐ Conservation Group
- ☐ Other

Review the issues in the newsletter. Check below whether you feel they are, or are not, valid. Discuss how you might resolve these issues. Use number 6 below to describe other issues and why you think they are important.

ISSUES

	Valid	
	Yes	**No**
1. Effect of the trail (and its use) on the management of adjacent land (public and private).	☐	☐
2. Criteria for available water sources.	☐	☐
3. Trail use, conflicting uses, permit systems.	☐	☐
4. Acceptable levels of use.	☐	☐
5. User safety.	☐	☐
6. Other issues	☐	☐

Continued on Reverse

A

There are a number of different ways one might use the trail. If the trail were in place, how would you rank these ways of using the trail. (Rank the activities from the most preferred activity to the least preferred.)

FS R2
RECEIVED
JUL 20 '81
[illegible]

Most Preferred Activity

A

OVERNIGHT BACKPACKING

A

DAY HIKING

A

TRAVELING THE ENTIRE TRAIL
OVER A PERIOD OF TIME
(SEGMENT BY SEGMENT
OR DURING A CONTINUOUS TRIP)

A

OVERNIGHT HORSEBACK RIDING

A

DAY HORSEBACK RIDING

A

4X4 DRIVING
(WHERE MOTORIZED USE
IS PRESENTLY PERMITTED)

A

DAY MOTORBIKE RIDING
(WHERE MOTORIZED USE
IS PRESENTLY PERMITTED)

A

OVERNIGHT MOTORBIKE RIDING
(WHERE MOTORIZED USE
IS PRESENTLY PERMITTED)

Least Preferred Activity

Please check the one category below which best describes your interest in the Continental Divide National Scenic Trail:

( ) State Government	( ) Federal Government
( ) Equestrian	[✓ ( ) Hiker/Backpacker]
( ) Motorized Trail User	( ) Private Landowner
( ) Local Government	( ) Private Industry
( ) Conservation Group	( ) Other ____________

Location of meeting: Albuquerque
(City)

NM
(State)

B

Most Important

There are a number of different reasons for individuals participating in recreational activities on the trail. On the attached strip are eight different reasons one might have for using the trail. Please rank these reasons in the order that best describes your preference. Rank from most important reason at the top to least important at the bottom.

B

GETTING AWAY
FROM THE USUAL DEMANDS OF LIFE

B

DEVELOPING PERSONAL
SPIRITUAL VALUES

B

BEING ALONE

B

TESTING YOUR OUTDOOR SKILLS

B

TAKING PHYSICAL RISKS

B

LEARNING ABOUT THINGS
ALONG THE TRAIL

B

TESTING AND USING
YOUR EQUIPMENT

B

BEING WITH FRIENDS

Least Important

C

Personal outdoor trail experiences can be affected by the sights and sounds of other activities. Please rank the following activities from those that least affect to those that seriously affect your having an enjoyable trip.

Least Affects Enjoyment

C

LIVESTOCK GRAZING

C

OTHERS HUNTING

C

SMALLER AND/OR LIGHTLY USED
RECREATION SITES

C

TIMBER HARVESTING

C

LARGE AND/OR HEAVILY USED
RECREATION SITES

C

MINING

C

URBAN AREAS

C

MOTORIZED USE OF
ROADS OR TRAILS

Seriously Affects Enjoyment

Figure 3

TOTAL RE ONSE ALTERNATIVE RANKINGS

Least Disliked	Average	I	II	III	IV
N = 453 A = .42 1. Overnight backpacking 2. Day hiking 3. Day horseback riding 7. Overnight motorbike 8. 4x4 driving A	N = 94 A = .69 1. Overnight backpacking 2. Day hiking 3. Day horseback riding 7. Overnight motorbike 8. 4x4 driving A	N = 107 A = .87 1. Overnight backpacking 2. Day hiking 3. Traveling entire trail 7. Day motorbike 8. Overnight motorbike A	N = 55 A = .135 1. Day Motorbike 2. 4x4 driving 3. Overnight motorbike 7. Day hiking 8. Travel entire trail A	N = 110 A = .67 1. Overnight horseback riding 2. Day horseback riding 3. Day hiking 7. Overnight motorbike 8. 4x4 driving A	N = 87 A = .67 1. Overnight backpacking 2. Travel entire trail 3. Day hiking 7. Overnight motor bike 8. 4x4 driving A
N = 453 A = .45 1. Getting away 2. Learning about things 3. Being with friends 7. Testing equipment 8. Taking risks B	N = 74 A = .49 1. Getting away 2. Learning about things 3. Testing skills 7. Testing equipment 8. Taking risks B	N = 86 A = .37 1. Learning about things 2. Testing skills 3. Being with friends 7. Taking risks 8. Being alone B	N = 100 A = .72 1. Getting away 2. Being alone 3. Learning about things 7. Testing equipment 8. Taking risks B	N = 80 A = .35 1. Getting away 2. Test skills 3. Being alone 7. Spiritual values 8. Testing equipment B	N = 113 A = .70 1. Learning about things 2.Getting away 3. Being with friends 7. Testing equipment 8. Taking risks B
N = 453 A = .41 1. Livestock grazing 2. Small rec sites 3. Others hunting 7. Urban areas 8. Motorized use C	N = 69 A = .54 1. Livestock grazing 2. Small rec sites 3. Timber harvest 7. Urban areas 8. Motorized use C	N = 103 A = .58 1. Livestock grazing 2. Timber harvest 3. Mining 7. Large rec sites 8. Urban areas C	N = 114 A = .69 1. Small rec sites 2. Livestock grazing 3. Others hunting 7. Mining 8. Motorized use C	N = 52 A = .56 1. Small rec sites 2. Urban areas 3. Large rec sites 7. Others hunting 8. Motorized use C	N = 115 A = .84 1. Livestock grazing 2. Others hunting 3. Small rec sites 7. Motorized use 8. Urban areas C

Figure 4

"AVERAGE RESPONDENTS"

"A" GROUP	RESPONDENT ID	AVERAGE	RESPONDENT	A	B	C
AV	Salmon 002	.509	.517	AV	IV	IV
I	Albuquerque 026	.726	.721	I	IV	AV
II	CDNST(ADV) 012	-2.247	-2.258	II	I	I
III	Alamosa 009	1.270	1.271	III	I	I
IV	Durango 005	-1.112	-1.128	IV	I	II

Figure 5

COMPARISON OF "LEAST DISLIKED" ALTERNATIVES

SRU	A	B	C
TOTAL	1. Overnight backpacking	Getting away	Livestock grazing
	2. Day hiking	Learning about things	Small rec. sites
	3. Day horseback riding	Being with friends	Others hunting
	7. Overnight motorbike	Testing equipment	Urban areas
	8. 4x4 driving	Taking risks	Motorized use
1A	1. Day hiking	Getting away	Livestock grazing
	2. Overnight backpacking	Learning about things	Timber harvest
	3. Overnight horseback riding	Being with friends	Mining
	7. Overnight motorbike	Testing equipment	Urban areas
	8. Traveling entire trail	Taking risks	Motorized use
1B	1. Overnight horseback riding	Getting away	Livestock grazing
	2. Day horseback riding	Learning about things	Others hunting
	3. Day hiking	Being with friends	Small rec.sites
	7. Overnight mototbike	Testing equipment	Urban areas
	8. 4x4 driving	Taking risks	Motorized use
4A	1. Overnight backpacking	Getting away	Livestock grazing
	2. Day hiking	Learning about things	Small rec. sites
	3. Overnight horseback riding	Testing skills	Others hunting
	7. Overnight motorbike	Testing equipment	Urban areas
	8. 4x4 driving	Taking risks	Motorized use
4B	1. Overnight backpacking	Getting away	Livestock grazing
	2. Day hiking	Learning about things	Small rec. sites
	3. Day horseback riding	Being with friends	Others hunting
	7. Overnight motorbike	Testing equipment	Urban areas
	8. 4x4 driving	Taking risks	Motorized use
4-2D	1. Day hiking	Getting away	Livestock grazing
	2. Overnight backpacking	Learning about things	Small rec. sites
	3. Traveling entire trail	Being with friends	Others hunting
	7. Day motorbike riding	Testing equipment	Mining
	8. Overnight motorbike	Taking risks	Urban areas
2C	1. Overnight backpacking	Learning about things	Livestock grazing
	2. Day hiking	Getting away	Small rec. sites
	3. Traveling entire trail	Being with friends	Others hunting
	7. Overnight motorbike	Testing equipment	Urban areas
	8. 4x4 driving	Taking risks	Motorized use
2E	1. Overnight backpacking	Learning about things	Livestock grazing
	2. Traveling entire trail	Getting away	Small rec. sites
	3. Day hiking	Being alone	Others hunting
	7. Overnight horseback riding	Spiritual values	Mining
	8. Overnight motorbike	Testing equipment	Urban areas
2F	1. Overnight backpacking	Learning about things	Livestock grazing
	2. Overnight horseback riding	Getting away	Small rec. sites
	3. Day horseback riding	Testing skills	Timber harvest
	7. Day motorbike riding	Testing equipment	Large rec. sites
	8. 4x4 driving	Taking risks	Urban areas
2H	1. Overnight backpacking	Getting away	Livestock grazing
	2. Day hiking	Learning about things	Others hunting
	3. Day horseback riding	Being with friends	Small rec. sites
	7. Day motorbike riding	Testing equipment	Urban areas
	8. Overnight motorbike	Taking risks	Motorized use

SRU	A	B	C
2I	1. Overnight backpacking	Getting away	Livestock grazing
	2. Day hiking	Being with friends	Small rec. sites
	3. Traveling entire trail	Learning about things	Others hunting
	7. Overnight motorbike	Testing equipment	Motorized use
	8. 4x4 driving	Taking risks	Urban areas
2J	1. Day hiking	Getting away	Livestock grazing
	2. Overnight backpacking	Learning about things	Small rec. sites
	3. Day horseback riding	Being with friends	Others hunting
	7. Day motorbike riding	Taking risks	Urban areas
	8. Overnight motorbike	Spiritual values	Motorized use
3-2K	1. Overnigh backpacking	Getting away	Small rec. sites
	2. Day hiking	Learning about things	Livestock grazing
	3. Traveling entire trail	Spiritual values	Others hunting
	7. Overnight motorbike	Testing equipment	Motorized use
	8. 4x4 driving	Taking risks	Urban areas
3-2L	1. Day hiking	Getting away	Livestock grazing
	2. Overnight horseback riding	Learning about things	Small rec. sites
	3. Day horseback riding	Testing skills	Others hunting
	7. Overnight motorbike	Taking risks	Motorized use
	8. 4x4 driving	Spiritual values	Urban areas
3E	1. Overnight backpacking	Getting away	Livestock grazing
	2. Day hiking	Learning about things	Others hunting
	3. Day horseback riding	Being with friends	Timber harvest
	7. Overnight motorbike	Testing equipment	Urban areas
	8. 4x4 driving	Taking risks	Motorized use
3D	1. Overnight backpacking	Getting away	Livestock grazing
	2. Day hiking	Learning about things	Small rec. sites
	3. Traveling entire trail	Being with friends	Timber harvest
	7. Overnight motorbike	Testing equipment	Urban areas
	8. 4x4 driving	Taking risks	Motorized use
3G	1. Overnight backpacking	Getting away	Livestock grazing
	2. Day hiking	Learning about things	Small rec. sites
	3. Traveling entire trail	Spiritual values	Timber harvest
	7. Day motorbike riding	Testing equipment	Urban areas
	8. Overnight motorbike	Taking risks	Motorized use
ADVISORY COUNCIL	1. Overnight backpacking	Getting away	Livestock grazing
	2. Day hiking	Learning about things	Small rec. sites
	3. Overnight horseback riding	Testing skills	Timber harvest
	7. Day motorbike riding	Testing equipment	Large rec.sites
	8. Overnight motorbike	Taking risks	Urban areas

Figure 6

AMOUNT OF AGREEMENT IN RANKING VARIABLES

Level of Agreement	Ranking Variables	
MOST AGREEMENT	Overnight Motorbike Riding	(1.46)
	Day Horseback Riding	(1.47)
	Day Motorbike Riding	(1.49)
	Livestock Grazing	(1.56)
	Timber Harvesting	(1.63)
	Testing Eqnipment/Large Rec. Sites	(1.64)
	Taking Risks	(1.66)
	Urban Areas/Day Hiking	(1.70)
	Overnight Horseback Riding	(1.74)
	Overnight Backpacking/Livestock Grazing	(1.76)
	Testing Skills/Learning About Things	(1.77)
	Getting Away	(1.79)
	Small Rec. Sites	(1.83)
	Being With Friends	(1.86)
	4x4 Driving	(1.94)
	Motorized Use	(1.97)
	Others Hunting	(1.99)
	Developing Personal Spiritual Values	(2.07)
LEAST AGREEMENT	Being Alone	(2.20)
	Traveling the Entire Trail	(2.23)

EXHIBIT

Summary of Comments by SRU

Figure I

PUBLIC RESPONSE TO REQUEST FOR COMMENT ON C.D.N.S.T. ISSUES AND CRITERIA

SOCIAL RESOURCE UNIT (SRU)	MAJOR CITIES IN SRU	WRITTEN FORMS	COMPUTER FORMS
1A	Dillon, Montana	9	12
1B	Kalispell, Montana Helena, Montana	20	44
4A	Jackson, Wyoming	9	26
4B	Idaho Falls, Idaho Salmon, Idaho	12	30
4-2D	Rock Springs, Wyoming	3	12
2C	Lander, Wyoming	4	18
2E	Rawlins, Wyoming	6	3
2F	Steamboat Springs, Colorado	2	8
2M	Gunnison, Colorado	2	13
2I	Denver, Colorado Dillon, Colorado Fort Collins, Colorado Boulder, Colorado Colorado Springs, Colorado	20	59
2J	Leadville, Colorado Salida, Colorado	1	8
3-2K	Durango, Colorado Grants, New Mexico	11	33
3-2L	Alamoso, Colorado Chama, New Mexico Taos, New Mexico	7	25
3E	Silver City, New Mexico	4	44
3D	Las Cruces, New Mexico	6	36

SOCIAL RESOURCE UNIT (SRU)	MAJOR CITIES IN SRU	WRITTEN FORMS	COMPUTER FORMS
3G	Albuquerque, New Mexico	11	55
3C	Alamogordo, New Mexico	2	---
CONST COUNCIL		---	26
	Responses recieved form Alaska Hawaii California Utah Illinois New Hampshire Idaho	9	---
		TOTAL 138	TOTAL 453

GRAND TOTAL RESPONSE 587

Synthesis of the Analysis of Written Responses Regarding the Continental Divide National Scenic Trail

By the close of the advertised response period for the Continental Divide National Scenic Trail (CDNST) in June 1981, 138 written response forms and letters were received from the public. The responses were grouped according to Social Resource Units (SRU) for analysis. Figure 1 displays the number of returned responses by SRU. Figure 2 illustrates the location of the SRU's. An SRU is defined as a geographic area of land that exhibits common cultural, economic, institutional and physical characteristics.

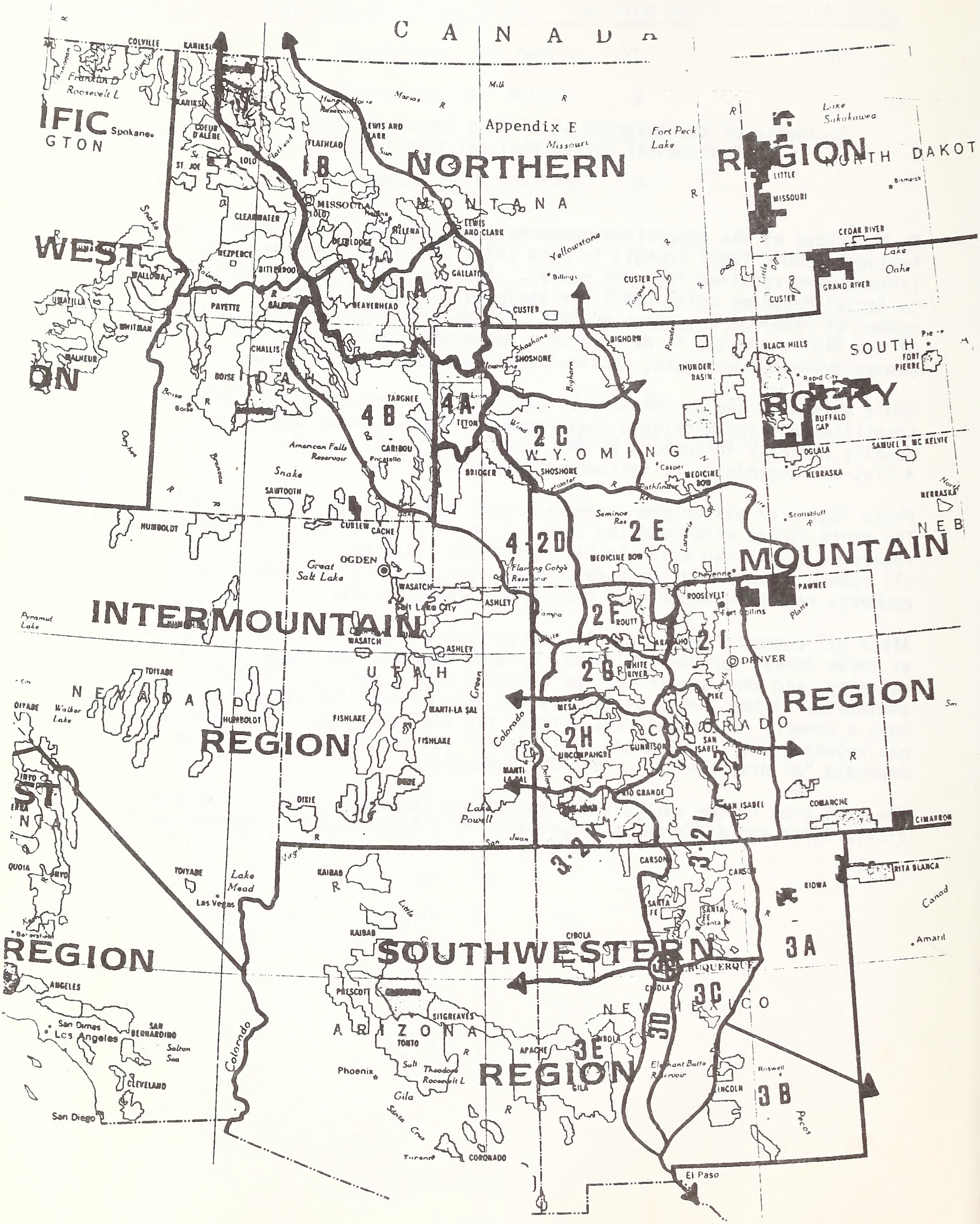
SRU's were selected as the primary analysis base because of the geographic identifier and the knowledge that people's opinions about things are usually directly influenced by the total environment in which they live. A list of respondents is included in Appendix "C".

Photo copies of all written responses were made, and the originals filed. The photo copies were read and then cut apart in order to place comments regarding issues and criteria in appropriate catagories. For example, all comments regarding the safety issue were placed in a catagory, all comments regarding water were placed in a catagory, etc.

After all comments were properly catagorized the analysis began. A team of three Forest Service employess, by SRU, read all the comments in a category, and then summarized the comments into a concise "thrust" statement. After thrust statements had been written for all catagories, then a summary of comments was written for the entire SRU. This process was repeated until a "Summary of Comments" was written for all SRU's. Appendix "A" displays all of the SRU summaries.

The next step in the analysis was to compare comments by SRU to identify similarities and differences. Appendix "B" illustrates this compaarison.

Appendix E



SOCIAL RESOURCE UNITS

SRU 1A "Summary of Comments"

Issues 1 through 5 were validated by the participating publics in SRU 1A.

The primary issues discussed were:

> The trail should not dictate the uses on adjoining lands. The trail should be routed through the country allowing users to learn and experience the diverse activities (mining, timbering, grazing) that are taking place.
>
> Users should be responsible for thier own safety, including the responsibility to provide their own safe drinking water. Maps, trail guides and signing should aide in identifying hazards, resupply points and emergency contact locations.
>
> The trail should provide year-around opportunities for both motorized and non-motorized uses. Motorized use should be allowed where appropriate and in balance with other uses.
>
> No special designations or withdrawals should be used to support the CDNST for fear of creating an impact out of balance with its intended purpose.

SRU 1B "Summary of Comments"

All of the issues were clearly validated by the respondents living in SRU 1B, with the exception of user safety. Regarding the "safety" issue, the respondents strongly idicated that safety is the responsibility and liability of the individual user. The primary concerns of the respondents were:

> The strongest thread of continuity among the respondents was protection of the Grizzly Bear. The concern was that the CDNST would invade and disrupt Grizzly habitat and add a further barrier to its survival.
>
> Concern was also clearly shown for possible increased use in Glacier and Yellowstone National Parks, and the Bob Marshall Wilderness.
>
> Additional concern was that the CDNST would disrupt or eliminate existing uses on public and private lands.
>
> A fourth concern was that the CDNST would reduce, even further, the small amount of money set aside for existing trail maintenance, and allow existing trails to further deteriorate.
>
> The last concern was that the respondents found themselves in a "catch 22". They clearly indicated they did not want a permit system, but realized that a permit system may be the only way to control the increased use brought about by national designation.

SRU 1C "Summary of Comments"

All the issues except criteria for available water were consirdered valid.

It is precieved that the CDNST will attract more people to areas that are already recieving too much use. This increased use will (adversely) affect the public and private lands adjacent to the trail, especially outside classified areas where multiple use is practiced. Camping capacities however, should be imposed only in areas of major attraction and National Parks. Only people prepared to handle the area should use it. Grizzly habitat should be avoided as well as other sensitive areas. Do not build new trails in wilderness.

The area is being explored by the oil companies and there is little value in having the trail pass through the area. If you have to have the trai, locate it along Highway 89 which can accomodate all kinds of uses. Do not develop the trail unless there is special funding (i.e. don't take dollars away from current projects for the CDNST).

SRU 2C "Summary of Comments"

The publics responding in SRU 2C validated Issues 1 through 5. There is a general feeling of skepticism for the trail proposal in this SRU. Some feel that the "last frontier" will be lost to inexperienced trail users and others do not want the trail at all. A set of summary comments follow:

> The trail should not be routed away from other uses such as mining, logging or gas and oil drilling.
>
> The trail will attract inexperienced people placing a burden on management agencies and local volunteers.
>
> Trail user conflicts are inevitable and will have to be managed.
>
> Water sources should not be developed for fear of destroying the Continental Divide experience. But, education on hazzards and techniques of drinking water would be helpful.
>
> Trail location criteria are good. Emphasis should be given avoidance of critical habitat and sensitive soil and vegetative areas.
>
> There is great concern for funneling the trail using public into adjoining public lands.

SRU 2D "Summary of Comments:

One response received from this SRU.

All 5 issues validified.

This person favors the establishment of the trail but believes it should carry with it a set of strict resource protecting regulations and requirements for all those using the lands adjacent to the trail as well as those using the trail. And strict enforcement and penalties. Including a permit system. Very strongly opposes motorized use of the trail.

Makes a suggestion to route the trail through the checkerboard lands of the Great Basin by diagonally crossing the alternate public land sections to avoid the private lands. Thus reducing the impact on private lands.

SRU 2E "Summary of Comments"

The respondents from SRU 2E validated the Issues 1 through 5. The public responses were largely from land owners in the Great Basin area. Their concerns are clearly stated and understood. A summary of statements follows:

The CDNST is an unnecessary facility that will burden landowners, tax payers and government agencies.

If the trail is established it should be located on exsisting ROW's, preferably along Highway 287.

The Great Basin Country is dangerous to the inexperienced trail user because of terrain, lack of water and climatic conditions. The need for emergency services will burden agencies, local search, and rescue groups and land owners.

SRU 2F "Summary of Comments"

Issues 1 through 5 were validated by respondents living in SRU 2F. The primary concerns of the respondents were:

Availability of water along the entire length of the CDNST. Water development was discussed in both the positive and negative.

Over use by hikers and horseback riders. Establish use levels in high use areas and employ different techniques to disperse use.

Trail safety. Trail should be routed to avoid dangerous areas and emergency communication stations developed.

Dual trails, trail access points, loop trails, and connecting trails were discussed, but it was agreed that these must be decided at local levels.

SRU 2H "Summary of Comments"

With only two respondents from SRU 2H it is difficult to establish any summary comments that can be projected back to the entire SRU. Comments included:

Trail will have effect on adjacent land, but proposed management plans to minimize impacts are good.

Good route and trail planning will provide for water sources.

The CDNST should be open to both motorized and non-motorized uses, however restrictions and regulation should be imposed or motorized use and equestrian use.

A permit system would improve the safety of hikers.

Volunteer help for the CDNST is available

Trail should not follow the Continental Divide because of sensitive ecosystems.

SRU 2I "Summary of Comments"

Isssues 1 through 5 were considered valid. Most agree generally with location criteria.

Location: Most respondents feel the trail should make use of existing trails as much as possible and costs of development kept as low as possible. Private land rights must be highly respected and the trail not forced across private lands. Nor should the trail be routed through already heavily used areas or areas with existing permit systems. Keep the trail simple!

Conflicts: There is a strong concern about the trail attracting more people to areas where the natural ecosystem cannot handle heavy use and a fear that natural areas will be damaged by such use.

Safety and Water: Most feel the trail use should accept what the natural conditions adjacent to the Continental Divide present, and be prepared to deal with the natural hazards of weather, climate and terrain, no special safety provisions except reasonable trail standards. Users should be adequately informed about conditions to expect, including availablity of water.

Most feel that existing land uses should not be restricted because of the presence of the trail but that land use policies should dominate over the trail.

However, there is a strong sentiment to minimize or elimnate motorized use of the trail. Some feel motorized use and horse use should be placed on alternate routes.

Strong feeling against limiting use through a permit system but rather through trail location and natural charactertics of the terrain.

There should be a well developed information system so that the user knows what to expect in terms of safety, crowds, ability, other users such a motorized use or horses.

There is a basic acceptance of the CDNST concept but a strong desire to keep the trail simple and to avoid damaging the Natural environment of the Contentinal Divide area. A few feel there is no need for the trail and preceive it as damaging to the environment because it will attract more people to the high country.

SRU 2J "Summary of Comments"

Only one response was received from SRU 2J.

The major concerns of the one respondent were:

Don't route CDNST through wilderness.

Don't set use levels on trail.

Don't permit motorized use, except on trail segments that use roads.

SRU 4A "Summary of Comments"

Issues 1 through 5 were validated by respondents living in SRU 4A. The primary concerns of the respondents were:

Over use in areas that are already receiving a high degree of use.

The possiblility of the creation of a bureacratic, oppressive trail permit system.

That the trail will be too easy for people to use and attract larger number.

The fear of condemnation of private lands for trail rights-of-way.

The respondents seem to feel that the most important trail location criteria should be concern for wildlife and their habitat. The wildlife criteria should be species specific. i.e., elk, grizzly bear.

SRU 4B "Summary of Comments"

Respondents in SRU 4B validated issues 1 through 5. This set of response forms indicated that this SRU has every diverse opinions with regard to the type of use that should be allowed on the CDNST. Some feel it should be foot-horse only, some motorcycles for the entire length and others feel a mix of uses is appropriate. In summary the following major issues were identified:

The Continental Divide National Scenic Trail will have a effect on adjoining private lands. Every consideration should be given in trail location to avoid private land and private land problems.

Trail user should be responsible for their own safety, including the provisioning of safe drinking water. Developed water sources and safe water sources could be constructed and identified as a convenience to the trail user.

Motorized and non-motorized uses will conflict management techniques already exsist that could minimize conflict by establishing alternative routes, and establishing regulation only where necessary to minimize conflict and protect resources.

Permit systems should generally not be used. Use levels will take care of themselves because of the nature of the country, season of use, distance from population centers and special designations (National Parks and Wilderness).

There is a great concern that the CDNST will be funded and maintained at the expense of other local trail systems that will be sacrificed in order to support the CDNST.

Trail location criteria as propsed was well accepted. Respondents generally agreed that multiple-use activities along the trail should continue.

SRU 4D "Summary of Comments"

The respondents living in SRU 4D mentioned private lands numerous times. The major comment was that the CDNST must be a linked trail with adequate public access even on and across private lands. The major concerns of the respondents were:

The trail must not deviate greatly from the Continental Divide. The trail must remain as close to the Divide as possible.

Washington must not dictate the trail. The management objectives of the local land management agencies must determine the location and management plan for the CDNST.

The trail must not be determined by the desired experiences of the traveler.

The trail must be designated to expose the traveler to the wide variety of experiences along the Continental Divide.

SRU 3C "Summary of Comments"

Two respondents indicated validation of issues as presented and complemented the way the Las Cruces, New Mexico meeting was handled.

SRU 3D "Summary of Comments"

All issues were considered valid in this SRU. The application of visual management requirements and the long distance user are viewed as having little impact on the adjacent lands along the CDNST. Let the user experience the natural conditions and hazards found along the trail, including the availability of water. But provide readily available information to the user regarding the conditions to expect. The trail should be managed on a segment by segment basis with perhaps a general permit system for long distance users. The location criteria is considered valid but the exact location of the physical divide should be of small consequence in final location decisions. There was some concern about condemnation of private land for CDNST ROW.

SRU 3E "Summary of Comments"

General agreement that issues are valid. Only significant new slant on issues is that in the interest of the Desert Ecology do not make people feel they have to make a survival trek out of traveling the CDNST. Provide good information and provide certain minimum water sources either thru good location and information or actual facilities.

No motorized use is wanted.

There is a private land problem with the Gray Ranch which presently does not allow public use, mostly because of biological reasons.

The government should provide good reliable information about what to expect and how to cope with the desert region. But the ultimate safety responsibility is with the user. Use local SAR teams for rescue and aid. Expect heavy use where the trail is readily accessible and plan for it. Use of the trail should not be encouraged as something that has to be done.

Use permits where necessary to ration use. Motor and horse use by permit only. There is a general concern about ecological damage and damage to private property facilities by careless users.

SRU 3G "Summary of Comments

The reponses from this SRU are very diverse. There are two general feelings about the trail:

> Support for the idea but concern about how well it will be accomplished and
>
> Nonsupport of the idea with concern that it will cost too much, is not needed, and will unduly restrain other multiple uses on adjacent lands.

There is general agreement with location criteria but suspicions on both sides that their respective interests will not be adequately protected or will be compromised. Strongest concerns are that the presence of the trail will be used by "preservationists" to regulate and restrain multiple (Industrial) use of the adjacent lands. That it will cost a lot and take money away from needed administration of other recreation areas. Along with this is the philosophy that use should be open to everyone and maximum use should be encouraged to make it cost-effective.

On the other side there is strong concern that the trail will be over developed(like the PCT); will not be located or protected to provide an escape from man's activities. Strong feeling that the CDNST will be beneficial to users and even have a strong vicarous value to those who don't actively use. Support use but not over use of the trail. General agreement that safety is the user's responsibility but government has responsibility to adequately inform the user about what to expect. Don't make a special effort to develop water; arid segments are a part of the "experience."

SRU 3-2K "Summary of Comments"

Issues 1 through 5 were validated. Support was generally given to the trail, tenative trail location criteria and management. There is some minority opinion in this SRU that the trail should not be established because there is no need or that the trail should be limited to hikers only. Summary comments are as follows:

The CDNST will have little effect on adjoining private lands if management can adequately control dogs, horses and trespass.

Safety and drinking water are the basic responsibility of the user and risks are assumed when using a trail system. Private landowner should be protected from liability.

Conflict will occur with wildlife areas and between users, but alternative trail routes, permit systems (sparingly applied) and regulations on group size would solve the over crowding and conflict problems.

Concern was expressed about having adequate funds to properly maintain the CDNST system. A recommendation was made to continue an advisory group of representative users to help adequately fund and manage the trail.

Trail location criteria are adequate and valid as proposed.

Not in favor of a general permit system. Permits should be required for motorized and horse use only.

SRU 3-2L "Summary of Comments"

Issues 1 through 5 were verified as being valid.

There is support for the concept that the CDNST not be a totally primtive trail and that it should be non-motorized with some feeling that snowmobiling is acceptable where "appropriate." Safety and lack of water are considered to be the responsibility of the user and no physical development be made to accomodate the less experienced user. There is some feeling that registration would aid trail management.

Private property should be protected and some feeling that stock grazing may be adversely affected by trail users. Generally though the feeling is that "if done right" there should be little adverse affect on the land or use adjacent to the trail. Most problems will be "people problems."

Trail location criteria is generally acceptable. Emphasis is made that existing trails be used, the ridge-top not necessarily used (because of topography and lightening), nor is a continous route necessary, sizing should be standard, and volunteer work is probably available to help develop the trail in this area.

There is one concern that the make up of the CDNST Advisory Council is weighted toward preservationism and ORV users are not adequately represented.

Do not limit commercial outfitters use of the trail.

SRU X "Summary of Comments"

It is important to note that all of the respondents in the X category (persons not living in SRU's adjacent to the CDNST) listed themselves as backpacker/hikers. In fact most of them referred to themselves as long distance hikers who had already hiked all of the Pacific Crest, the Appalachia, and/or the Continental Divide trails. The respondents in category X are from all over the nation, from as far away as Hawaii, Alaska, California, and New Hampshire. Although there is a great geographical distance, the respondents were in close agreement on most subjects. The focal points of their comments were:

The trail must remain non-motorized.

The trail must be routed near communities so the long distance hikers can re-supply.

A permit system is acceptable to regulate use, provided long distance hikers are given special consideration that allows them to travel without interruption.

The trail should be routed so as to avoid high use areas, but if in avoiding high use areas the trail is located through less scenic areas, then the trail should remain in the high use area.

Safety is the primary responsibility of the hiker, but the government has a major responsibility in information and education regarding the trail and hiker safety.

Use as much of the existing trail system as possible in designating the CDNST. Don't "high grade" the trail like the Appalachia Trail.

The most important issues to consider in designating and managing the CDNST are the issues of the local people.

EXHIBIT

Comparison of Comments by SRU

SRU	Location Criteria	Effect of Trail on Mgmt. of Adjacent lands		Criteria for Available Water Sources	Conflicting Use		Acceptable levels of Use	User Safety	Other Issues	Comments
		Public	Private		Trail Use	Permit System				
1A	Route so that users learn about and experience diverse activities(Mining, timber, etc).	CDNST should not dictate uses of adj. lands. No special designations or withdrawals that came adverse impact on other uses.		Users should be prepared to provide their own water.	Yr around opportunties for both motor & non-motor activities.			Users should be responsible for own safety. Agencies should provide adequate maps, trail guides & signing to inform of hazards & emergency contact locations.		All issues valid.
1B		Trail will cause increase use in Glacier/Yellowstone & Bob Marshall Wilderness. Trail will reduce avail $ for existing trail maint.	Trail will disrupt or eliminate uses on pvt. land or other uses on pub. land.		Strong desire to protect Grizzly habitat.	Don't want permit system, but think it may be necessary.		Users should be responsible for own safety and liability,		All issues valid except user safety.
1C	Avoid Grizzly habtat, no new trails in Wilderness. Locate along hwy 89 to accomodate all levels of use.	Trail will attract more people to already over used area. Don't dev. trail unless there is special fund. (Don't take $$ away from current projects).			Protect Grizzly habitat. Oil Co's are exploring area. No value in having Trail in vicinity.		Carrying capacities should be established only where major attractions are & NPS areas.	Only people prepared to cope w/ environment should use trail.		All issues valid except water.

SRU	Location Criteria	Effect of Trail on Mgmt. of Adjacent lands		Criteria for Available Water Sources	Conflicting Use		Acceptable levels of Use	User Safety	Other Issues	Comments
		Public	Private		Trail Use	Permit System				
2C	Don't route away from other uses (Mining, TM, oil/gas, etc). Criteria good. Emphasize avoiding critical habitat & sensitive eco.areas.	"Last Frontier" will be lost to inexperienced users & will burden Mgmt. Agencies & SAR.	Will funnel users onto adjoining lands.	Do not develop water sources.	Conflicts are inevitable & will cause Mgmt. problems.			Educate user about hazzards & how to cope.		All issues valid. Some don't want trail.
2D 1 Resp.	Route thru checkerboard lands on diagonal to avoid pvt. lands.					Should have strict regs. & enforcement both for trail & M.U. users of Pub. land adj. to trail. No Motorized use!				All issues valid.
2E	If established it should be located on existing ROWs, preferably along hwy 287.	CONST is unnecessary and will burden landowners, taxpayers & govt. agencies.		Lack of water is a serious problem.				The Great Basin Country is dangerous because of lack of water, terrain, climate. The need for emergency services will burden agencies & local SAR groups & land owners.		All issues valid.
2F	Dual Trails, trail access points, loop trails, & connecting trails must be decieded at local levels.	Trail will cause over-use by hikers & horseback users.		Lack of water a concern, (+ & -).			Establish use levels & employ diff. techniques to dispurse use.	Trail should be located to avoid dangerous areas & emergency communication stations should be developed.		All issues valid.

SRU	Location Criteria	Effect of Trail on Mgmt. of Adjacent lands		Criteria for Available Water Sources	Conflicting Use		Acceptable levels of Use	User Safety	Other Issues	Comments
		Public	Private		Trail Use	Permit System				
2H 2 Resp.	Trail shouldn't follow the C.Divide because of sensitive eco. & difficulty in making it functional.	Proposed Mgmt. plans (in newsletter) are adequate.		"Good route & trail planning will provide for water".	CDNST should be open to both non-motor and motor use.	Regulations should be imposed on motor & horse use. Permit system would improve safety.		A permit system would improve safety.		Volunteer help for CDNST is available.
2I	CDNST should use existing trails as much as possible. Don't force trail thru pvt. lands. Route away from heavily used or areas with existing permit system. Keep trail simple. Control conflicts & use levels thru location & access.	Trail will attract more people to already high use areas. Natural area will be damaged.	Pvt. land Rts. must be respected. Existing land uses shouldn't be restricted. Existing land use policies should dominate over the CDNST.	Users should be aware of what to expect & ready to cope. Inform user about availability of water.	Strong sentiment to minimize or elimate motorized use. Some feel horse use should be on separte trails.	Strong feeling against permit system.	Control use by taking advantage of natural conditions (If remote, keep remote, etc.	Trail user should accept the natural conditions of the Divide & be prepared to cope. No special safety precautions except resonable trail standards. Users should be adequately informed about what to expect. Need well devlp. info. system		Issues all valid Basic acceptance of CDNST. Keep trail simple. Some feel no need for CDNST.
2J 1 Resp.	Don't route CDNST thru wilderness.				Don't permit motor use except on segments that are on roads.		Don't set use levels on the trail.			
3-2K	Trail location criteria OK. Use alternate routes to help minimize conflicts.	Trail will have little effect on adj. lands if mgmt. can control dogs, horses, & tresspass.		User needs to be able to cope.	Minority opinion that trai be limited to hikers. Conflict will occur w/wildlife areas & between users.	Use sparingly.	Apply reg. & group size to avoid overcrowding & conflict.	Safety is the reponsiblity of the user & risks are assumed when using a trail system.		

SRU	Location Criteria	Effect of Trail on Mgmt. of Adjacent lands		Criteria for Available Water Sources	Conflicting Use		Acceptable levels of Use	User Safety	Other Issues	Comments
		Public	Private		Trail Use	Permit System				
3-2L	Shouldn't be a totally pristine trail. Location criteria generally acceptable. Emphasize use of existing trails. Avoid actual divide because of topograhy and lightening.	If done "right" should be little adverse affect. Most problems are "people problems".	Pvt property should be protected. Stock grazing may be adversely affected.	Availbility of water should be responsiblity of user.	Should be non-motor except snowmobiling where "appropriate".		Registration would help in trail mgmt.	Safety is responsibility of user. No physical developments to accomdate less experienced user.	Use standard signing & volunteer to help develop the trail.	Issues valid. Support for concept of CDNST.
4A	Most important location criteria is concern for wildlife habitat. Should be specific, ie, Elk, Grizzly, etc.	Concern about over use in areas already receiving heavy use. Trail will be to easy to use & will attract more users.	Fear of condemnation of pvt. lands for ROW's.			Fear of creation of bureacratic oppresive permit system.				Issues valid.
4B	Avoid pvt. land wherever possible. Provide alternate routes for motor/non-motor use. Location criteria well accepted.	Multiple use activities adj to trail should continue.	CDNST will affect pvt. lands.	Trail user should be responsible for own water. Others feel safe water source could be considered.	Sould be foot/horse only. (+ & -) Motor/non-motor conflict solved by alternate routes.	No permits	Use levels will sort themself out due to nature of country, season of use, remoteness, & special areas (Wilderness, Nat'l Parks).	Trail user should be responsible for own safety.	Concern that CDNST will be funded at expense of local trail system mgmt.	Issues valid. Respondents have very diverse opinions.
4D	CDNST must be a linked trail w/ adequate public access even on & across pvt. lands. CDNST not deviate greatly from Divide. Trail location should not be determined by desires of the traveler.								"Washington" must not dictate Keep management objectives at the local agency level.	

SRU	Location Criteria	Effect of Trail on Mgmt. of Adjacent lands		Criteria for Available Water Sources	Conflicting Use		Acceptable levels of Use	User Safety	Other Issues	Comments
		Public	Private		Trail Use	Permit System				
3C 2 Resp										Issues valid. Complemented way Mgmt. was handled.
3D	Location criteria is valid. However exact location of Divide should have small consequence on location decisions.	Visual Mgmt. objectives & long distance user would have little impact on adjacent lands.	Some concern about condemnation of pvt. lands.		Trail should be managed on a segment basis w/general permit for long distance user.			Let user experience, natural conditions & hazards found along the trail. But provide info on what to be expected.		Issues valid.
3E	Location should consider viable water sources.	General concern about ecological damage & damage to private property(facilities) by careless users.	Gray Ranch (in Boot Heel) doesn't allow public use for biological reasons.	Provide minimum water sources either thru location or developed facilities.	No motorized use. Expect heavy use where trail is accessible & plan for it. Use of trail shouldn't be encouraged as some thing that has to be done!	Use permits where necessary to ration use Motor & horse use only by permit.		Provide good info on environmental conditions & what to expect & how to cope. But ultimate resp. is with user. Use local SAR teams for rescue & aid.	In interest of desert ecology do not make people feel they have to make a survival trek out of crossing the desert portions of the CDNST.	Issues valid.
3G	General agreement on location criteria, but suspicious that 1)devp. on adjacent lands will degrade trail experience 2)restrictions because of the trail will restrain devp & multiple uses. Concern that location won't provide for escape from man's activities.			Don't make special effort to develop water. Arid segments are a part of the "experience".			1 group feels maximum use by all users is only justification for cost of trail. Other group feels CDNST will be over devp. (like PCT) Support trail but not overuse.	Safety is users responsibility but Govt. has respon- for providing adequate information.	Concern that CDNST will be used by preservationists to regulate & restrain multiple (Industrial) use. 1 group feels CDNST will be helpful to users and have a strong vicarious value to those that do not actively use it.	Responses are diverse 1)Support but concern on how well it will be done. 2)Non-support w/concern that it will cost a lot, is not needed, & will restraint Multiple Use.

SRU	Location Criteria	Effect of Trail on Mgmt. of Adjacent lands		Criteria for Available Water Sources	Conflicting Use		Acceptable levels of Use	User Safety	Other Issues	Comments
		Public	Private		Trail Use	Permit System				
"X" Outside affected SRU	Routed near communities for supply purposes. Route to avoid high use areas unless such re-routing will result in less scenic routes. Use as much of the existing trail systems as possible. Don't "high grade" like Appalachian trail.	The most important issues to consider in locating & managing the trail are those of the local people. Minimize impacts by keeping the trail simple. Protect the corridor along the trail.		Water sources should be available at regular intervals. This should be taken care of primarily by location rather than development of new sources.	The CDNST must be non-motorized.	Permit system is needed. to regulate use, provided long distance hikers are given special consideration that allows them to travel without interruption.		Safety is primary responsibility of user - but govt. has major responsibility of providing reliable info & education material regarding hiker safety and natural features.		These respondents all identified themselves as hiker/backpackers & long distance hikers. Most had done PCT & Appl. Trail & some the Cont. Divide.. Reponse from all over the nation.

Appendix D

Sample Agreements and Rights-of-Way/Easement Documents

(Proposed)

Memorandum of Understanding

Between

The Forest Service, U.S. Department of Agriculture
and
The National Park Service, U.S. Department of the Interior
and
Bureau of Land and Management, U.S. Department of the Interior

concerning the

Continental Divide National Scenic Trail

This Memorandum of Agreement is made and entered into, by and between the Forest Service and the National Park Service, in furtherance of the Acts of October 2, 1968 (P.L. 90-543), as amended by the Act of November 10, 1978 (P.L. 95-625).

Whereas, the aforesaid Act provides that the "Continental Divide National Scenic Trail" shall be administered by the Secretary of Agriculture in consultation with the Secretary of the Interior;" and Whereas, an agreement was entered into in May 1969 between the Department of Agriculture and Interior (1) to establish mutual understandings on general matters pertaining to all operations of the National Trail System involving both Departments and (2) to provide for utilization of an Interagency Task Force to assist in the planning, coordination, development, and administration of that System; and

Whereas, the said agreement recognizes the need and makes provisions for supplemental agreements to cover development and management of specific Trails where two or more agencies are involved; and

Whereas, significant portions of the Continental Divide National Scenic Trail traverse lands under the separate administrative jurisdictions of the Forest Service, the National Park Service, and the Bureau of Land Management, as well as privately-owned lands within the exterior boundaries of units administered by those Agencies; and

Whereas, it is the desire of the Forest Service, the Bureau of Land Management, and the National Park Service to cooperate fully with each other, the Advisory Council for the Continental Divide National Scenic Trail, (referred to herein as the Advisory Council) other Federal agencies, the affected States, political subdivisions thereof, private organizations, and private owners in matters relating to administration and development, operation and maintenance of the said Trail (referred to herein as the Trail); in accordance with the general guidelines contained in the Continental Divide National Scenic Trail Comprehensive Plan (referred to herein as the Comprehensive Plan).

Now, therefore, the parties hereto mutually agree:

1. The Forest Service, BLM, and National Park Service will administer and locate those segments of the Trail within these Federally administered land units under their separate jurisdiction.

2. The parties will cooperate in developing uniform policies concerning the location of the Trail across lands administered by them and across private lands, including policies as to the nature and extent of any interest in such lands to be acquired.

3. The three agencies will cooperate with and encourage States, their political subdivision, landowners, private organizations, or individuals to operate, develop, and maintain portions of the Trail. When deemed to be in the public interest, the FS Regional Forester or BLM State Director, and National Park Superintendent may enter into written cooperative agreements with such organizations or individuals to operate, develop, or maintain any portion of the Trail within or without a Federally administered area.

4. For the purpose of enhancing the Trail environment, each agency will designate zones along the segments of the Trail which traverse areas under their separate administration, such zones will vary in width as necessary to assure maximum retention of the outdoor recreation experience for which the Trail was established. The determinations as to width of these zones will take into account variations in terrain, land cover, land management, scenic and historic points of interest, natural features, cultural qualities, recreational values and other factors that may affect operation, development and maintenance of the Trail. Said zones shall be planned and designated on development or management plans using the criteria presented in the Comprehensive Plan.

5. Where desirable, relocate those portions of the Trail which do not meet the location criteria set forth in the Comprehensive Plan. Consult with the Advisory Council if such relocations of the Trail which deviate outside the described right-of-way location established at the time of publication of the official Trail route or which require acquisition of additional right-of-way will be reported to the Forest Service Regional Offices so that descriptions and maps of the Trail and guidebooks may be revised as necessary.

6. To construct, maintain, and operate the portions of the Trail which pass through areas under their separate jurisdiction.

7. To afford each other, from time to time, opportunities to review and comment on development plans and programs affecting the Trail. The purpose of this being to insure that development of the Trail is consistent and in accord with the criteria presented in the Comprehensive Plan.

8. To cooperate with and encourage States, political subdivisions thereof, landowners, private organizations, or individuals to develop and maintain portions of the Trail and selected Trail facilities outside the exterior boundaries of Federally administered areas.

9. To erect and maintain the uniform markers established for the Trail, along those portions of the Trail administered by each Agency, in accordance with standards prescribed in the Comprehensive Plan.

10. To encourage local governments which have the authority to zone private lands adjacent to the Trail rights-of-way within the boundaries of areas under their separate jurisdictions, to adequately control the uses of such properties, so the use of the land will harmonize with the purpose of the Trail.

11. To cooperate at the Regional levels in developing uniform guidelines for the management, protection, development, administration, and use of the Trail which will be incorporated into the updating of the Comprehensive Trail.

12. To cooperate at the Regional levels in developing uniform regulations for the maintenance of good conduct along the Trail; and to encourage the adoption of such uniform regulations by States and local agencies for non-Federally-owned portions of the Trail. Enforcement of such regulations will be carried out by the Agency having administrative jurisdiction over that segment of the Trail.

13. To correlate and coordinate their interpretive activities and programs to avoid duplication in these matters and to assure that the interpretive efforts of each Agency will compliment those of the other. The Forest Service, as administering Agency, will be responsible for developing and publishing any needed maps, brochures, press releases, etc., of a general nature for the entire Trail. The Forest Service Rocky Mountain Regional Office will also supply the National Park Service Regional Offices with a reproducible set of detailed maps indicating the Trail location, which the National Park Service can use to provide for appropriate offices.

14. To meet from time to time for a discussion of matters of mutual concern affecting administration, development and use of the Trail so as to arrive at ways and means for furthering their cooperation efforts in these matters. Such meetings shall be held between persons or officials at comparable administrative levels.

Nothing in this Agreement will require work for which funds are not available. Nor shall anything in the Agreement affect or interfere with fulfillment of the obligations and rights of the parties hereto to manage the lands and programs administered by them in accordance with their other basic land management responsibilities.

Either party may terminate this Agreement by giving six months advance notice in writing to the other. It is subject to termination or modification at any time without prior notice, by mutual agreement.

Date: ____________________

____
Chief, Forest Service
Department of Agriculture

Date: ____________________

____
Director, Bureau of Land
Management
Department of the Interior

Date: ____________________

____
Director, National Park
Service
Department of the Interior

MEMORANDUM OF UNDERSTANDING
(Wyoming Agreement Area)

Between the

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

and the

U.S. DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT

and the

WYOMING DEPARTMENT OF PUBLIC LANDS

and the

WYOMING GAME AND FISH DEPARTMENT

I. PURPOSE

For many years each agency within the State of Wyoming has been dealing with rights-of-way acquisitions to provide public access and use of agency administered lands. Each agency works under varying constraints of authority, time, money, manpower, and available skills. Considerable individual effort has been expended with limited success. In recent years, public concern about lack of public access has created considerable pressure on the limited resources of each agency. Each agency recognizes the value of working with the others in pooling resources for a more efficient and effective program for providing public access. The purpose of this Memorandum of Understanding is to establish joint-agency cooperation in acquiring access to public lands as outlined hereinafter.

II. THE PARTIES HERETO AGREE:

A. To establish a Joint Agency Committee. Each agency will provide a qualified staff person to sit on the Committee. The members should be staff specialists in rights-of-way, where possible, and have commitment, direction, and authority from their agency directors to act on the agency's behalf within appropriate lines of authority to accomplish the following:

1. Develop, disseminate, and coordinate a standard public land access complaint system to identify specific areas of public access needs.

2. Inventory access problem areas involving lands of two or more agencies.

3. Prioritize access problem areas.

4. Determine the most feasible approach to solve the access problems for each area.

5. Develop a scheduled plan designating agency responsibilities for solving individual access problems.

6. Prepare supplemental agreements signed by authorized agency representatives, which outline specific agency commitments for specific access projects.

7. Implement the plan.

8. Update inventory and priorities annually.

B. To hold an annual meeting of the Joint Agency Committee to review and agree on priority of projects and acquisition plans, subject to the approval of each agency director.

C. That every provision in this Memorandum of Understanding is subject to the laws of the State of Wyoming, the laws of the United States, and the delegated authority assigned in each instance.

D. That nothing in the Memorandum of Understanding shall be construed as obligating any party hereto in the expenditure of funds, or for the future payment of money, in excess of appropriations authorized by law. Workload commitments for each agency under this agreement are subject to manpower and funding limitations in the current annual operating budget. Therefore, priorities may shift and project substitutions may occur.

E. That amendments to this Memorandum of Understanding may be proposed and/or renegotiated by any party hereto and shall become effective upon written approval of all parties.

F. That no member of, or delegate to Congress, or Resident Commissioner shall be admitted to any share or part of this agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general comfort.

G. That all cooperative work under the provisions of this Memorandum of Understanding, or supplemental memorandums of understanding, or cooperative agreements will be accomplished without discrimination as to race, color, creed, sex, or national origin.

H. That this Memorandum shall become effective when signed by the designated representatives of the parties hereto and shall remain in force until terminated by mutual agreement, or by any party upon 30 days notice in writing to the others of its intention to terminate upon a date indicated.

I. That this Memorandum of Understanding does not cancel, supersede, or invalidate any existing agreements either jointly or individually executed between parties to this agreement.

APPROVED:

U. S. DEPARTMENT OF AGRICULTURE
Forest Service - Region 2

By: ______________________
Regional Forester

Date: ______________________

U. S. DEPARTMENT OF AGRICULTURE
Forest Service - Region 4

By: ______________________
Regional Forester

Date: ______________________

U. S. DEPARTMENT OF INTERIOR
Bureau of Land Management

By: ______________________
State Director for Wyoming

Date: ______________________

WYOMING DEPARTMENT OF PUBLIC LANDS

By: ______________________
Commissioner of Public Lands

Date: ______________________

WYOMING GAME AND FISH DEPARTMENT

By: ______________________
Director

Date: ______________________

EASEMENT DEED FOR TRAIL

We, ________________ and __________________, husband and wife, of _________, County of ___________, State of   , in consideration of ____ Dollars ($________________) and other good and valuable consideration, the receipt whereof is hereby duly acknowledged, grant unto the UNITED STATES OF AMERICA and its assigns an easement for a trail over the parcels of land in the County of _____________, State of   , described as follows:

T. ___ N., R. ___ W., M.D.B.M.
Section ___, W½SW¼, S½SW¼NW¼.
Section ___, E½E½SE¼, SE¼SE¼NE¼.

The said easement hereby granted is for the construction, reconstruction, maintenance and full, free and quiet use and enjoyment of a Trail as shall be located and constructed over and across the above-described premises according to the following courses and distances:

Beginning at a point in the center of the _________ Ridge Trail #________ on the north line of the S½SW¼NW¼ of Section ___, T. ___ N., R. ___ W., M.D.B.M., said point lying N 41° 44' 50" E, 884.63 feet from the corner common to Sections ___ and ___, T. ___ N., R. ___ W., M.D.B.M.;

Thence S 27° 04' 31" W, 38.06 feet;
Thence S 35° 05' 38" W, 94.17 feet;
Thence, etc.

Thence S 76° 09' 14" W, a distance of 29.28 feet to a point in the center of the Trail on the west line of the E½SE¼ of Section ___, T. ___ N., R. ___ W., M.D.B.M., said point lying S 24° 11' 30" W, 1,633.44 feet from the corner common to Sections ___ and ___, T. ___ N., R. ___ W., M.D.B.M.

The acquiring agency is the Forest Service, Department of Agriculture.

The intent of this deed for the easement described above is to convey an easement for the _________ Trail #________ as it shall be constructed across property owned in fee by Grantors, as would be disclosed by a proper survey of Grantors' aforesaid property, and to exclude any portion of said Trail not actually located within Grantors' fee property.

The width of said easement shall be 20 feet, 10 feet on each side of the center line, or more if necessary to accommodate cuts and fills. The boundary lines of said easement shall be prolonged or shortened to begin and end on, and conform to, the Grantors' property lines.

Grantors reserve unto themselves, their successors and assigns the right to cross and recross the easement at any point and for any purpose in such a manner as will not materially interfere with Grantee's use of the Trail.

Grantors reserve unto themselves, their successors and assigns all timber on said easement, provided that Grantee or its assigns shall have the right to cut such timber upon the easement to the extent necessary for construction, reconstruction, or betterment of said trail, which timber, unless otherwise agreed, shall be cut into logs of standard lengths and decked along the easement for disposal by the owners. Grantors further reserve the right to grow and harvest future forest crops on portions of said easement not actually used for trail purposes.

Correct as to considerations, conditions, and regulations:

____
Forest Supervisor

____
Date

If for a period of five (5) years the Grantee shall cease to use, or preserve for prospective future use, the trail, or any segment thereof, or if at any time the Regional Forester determines that the trail, or any segment thereof, is no longer needed, the easement traversed thereby shall terminate. In the event of such nonuse or such determination by the Regional Forester, the Regional Forester shall furnish to the Grantors, their successors or assigns, a statement in recordable form evidencing termination.

IN WITNESS WHEREOF, We, ________________________ and ________________ ______________ have hereunto set our hands and seals this ___________ day of ________ 19___.

____

____
(Grantors)

(Attach Appropriate Acknowledgment)

IV-G-1

DEED OF FURTHER ASSURANCE

THIS INDENTURE, made and executed at , County of , State of , this ____ day of ________, one thousand nine hundred and seventy ____, by and between ____________________ and ____________________, Grantors, and the UNITED STATES OF AMERICA and its assigns, Grantee, whose post office address is Washington, D.C.

WHEREAS, the said Grantors are the claimants of a mineral location staked on the ground and known as the JULIE covering that certain tract of land situated in the N½ of Section 10, T. ___ N., R. ___ W., M.D.M., in the County of ________ and State of and within the exterior boundaries of the ______________ National Forest as described and shown on the plat entitled EXHIBIT A, hereto attached and made a part hereof, which location notice is recorded in Book ____, at page ____ of the Official Records of ________ County, , and

WHEREAS, the said Grantors have agreed, in consideration of the sum of TWO DOLLARS ($2.00), to be paid to them by the said Grantee, to grant an easement or right-of-way for a road over and across the said tract of land embraced in his said mining claim,

NOW, THEREFORE, THIS INDENTURE WITNESSETH:

That for and in consideration of TWO DOLLARS ($2.00), the receipt of which is hereby acknowledged, the Grantors do hereby grant unto the Grantee and its assigns an easement for the use, reconstruction, and widening of an existing road to a width of sixty-six (66) feet, with as much additional width as may be required for adequate cuts and fills, over and across the following described land:

____________ MERIDIAN, ____________

T. _____ N., R. _____ W.

Section 10, N½.

traversing the above-described premises in accordance with the general location shown on the sketch map marked ______ Road # _______ and entitled EXHIBIT A, hereto attached and made a part hereof.

The acquiring agency is the Forest Service, Department of Agriculture.

And the said Grantors further covenant and agree for themselves and their heirs, executors, administrators, successors and assigns and for all and every person or persons whomsoever lawfully or equitably deriving any estate, right, title or interest of, in or to the hereinbefore granted premises by, from, under, or in trust or otherwise that they or each of

Correct as to consideration, description and conditions.

Forest Supervisor

Date

them shall and will, prior to, or upon the issuance of a patent by the United States of America to the land on which this right-of-way is situated, or at any time or times thereafter, upon the request of an authorized agent of the Grantee, make, do and execute, or cause to be made, done and executed, all and such further or lawful acts, conveyances, instruments, and assurances in the law for the better and more effectual vesting and confirming the premises hereby granted in and to the Grantee as the Grantee or its agents may require. Provided, if at any time hereafter the said easement and right-of-way shall be abandoned by Grantee, the rights and privileges hereby granted shall cease and terminate and the land traversed thereby shall be freed from said easement as fully and completely as if this Indenture had not been made.

IN WITNESS WHERE, the Grantors have executed this instrument at ______________, County of ______________, State of ______________, on the day and year first above written.

/s/ ______________________

/s/ ______________________
Grantor

(Attach appropriate Acknowledgment)

Example of a BLM Genera
Easement to be used whe
acquiring a trail right
of-way.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

GENERAL EASEMENT

TE-03-59

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of $4,500.00

CLARENCE W. HOWARD and LaVERNE HOWARD, husband and wife,

hereinafter called Grantor, whether one or more, does hereby grant to the UNITED STATES OF AMERICA, and its assigns, a perpetual easement to locate, construct, use, control, maintain, improve, relocate, and repair a trail over and across the following-described real property situated in the County of Hinsdale, State of Colorado, to wit:

A parcel of land lying in the South Half of the Northwest Quarter (S½NW¼) of Section 14, Township 44 North, Range 2 West, New Mexico Principal Meridian, Hinsdale County, Colorado; the said parcel being all that portion of said property contained within a strip of land 10 feet in width, the exterior side lines of said strip of land being extended or shortened at angle points to intersect adjacent segments of said exterior side lines and, except where extended at angle points, being five feet on each side of the following described centerline:

> Beginning at Engineer's Station 0+00 said point being the centerline of the Cebolla Creek County Road (Hinsdale County Road No. 5) and being 356.99 feet S. 79°07' W. from the Center-North One-Sixteenth Corner in Section 14, Township 44 North, Range 2 West, New Mexico Principal Meridian;
> thence N. 47°48' W. for a distance of 76.23 feet;
> thence N. 77°39' W. for a distance of 42.57 feet;
> thence S. 86°24' W. for a distance of 311.06 feet;
> thence N. 83°53' W. for a distance of 266.64 feet;
> thence S. 65°14' W. for a distance of 173.49 feet;
> thence S. 62°26' W. for a distance of 384.65 feet;
> thence N. 22°48' W. for a distance of 355.67 feet to Engineer's Station 16+10.31, said point being 327.23 feet N. 84°30' W. from the Northwest One-Sixteenth Corner in Section 14, Township 44 North, Range 2 West, New Mexico Principal Meridian.

The easement described herein contains 0.37 acres, more or less. A plat showing the easement described above is attached hereto as Exhibit A and made a part hereof.

The easement herein granted is for the full use as a trail by the UNITED STATES OF AMERICA, its licensees and permittees, to lands owned, administered, or controlled by the UNITED STATES OF AMERICA for all lawful and proper purposes subject to reasonable rules and regulations of the Secretary of the Interior.

The grant of easement herein made is subject to the effect of reservations and leases, if any of oil, gas, and minerals in and under said land.

TO HAVE AND TO HOLD said easement unto the UNITED STATES OF AMERICA and its assigns forever.

Grantor covenants and warrants that he is lawfully seized and possessed of the land aforesaid and has the full right, power and authority to execute this conveyance, and that said land is free and clear of liens, claims, or encumbrances, except as shown of record, and that he will defend the title to the easement conveyed herein and quiet enjoyment thereof against the lawful claims and demands of all persons.

Dated this ____ day of ______________, 19___.

Accepted subject to approval of title by the
Department of Justice.

____
CLARENCE W. HOWARD

____
LaVERNE HOWARD

____
(Signature of Authorized Officer)

____
(Title)

Correct as to Engineering Data:

____
Name

____
Title Date

Form 2130-6 (Feb. 1976)

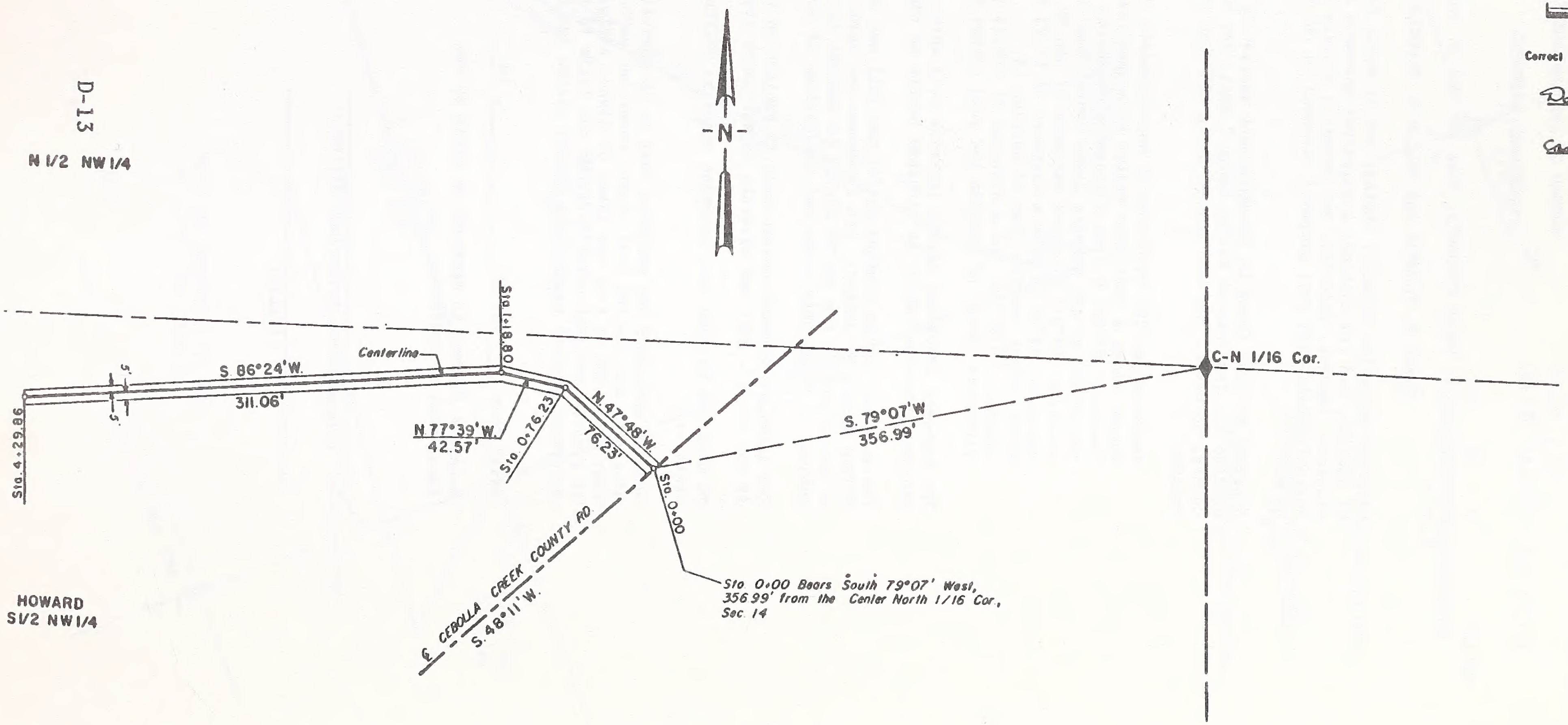
EXHIBIT A
TE-03-59
SECTION 14
T. 44 N., R. 2 W., N.M.P.M.
HINSDALE COUNTY, COLORADO
PAGE 1 OF 2
DATE: MARCH 26, 1979

50 25 0 50 Feet
SCALE

Correct as to Engineering Data

Donald L.
Signed

Cadastral Surveyor
Title



Example of BLM General
Easement to be used when
acquiring a trailhead
parking area (This easemen
language could be combined
with a trail easement)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

GENERAL EASEMENT

TE-03-61

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of $700.00

WAYNE E. FLOWERS and NELLIE D. FLOWERS, husband and wife,

hereinafter called Grantor, whether one or more, does hereby grant to the UNITED STATES OF AMERICA, and its assigns, a perpetual easement to locate, construct, use, control, maintain, improve, relocate, and repair a vehicle parking lot over and across the following-described real property situated in the County of Hinsdale, State of Colorado, to wit:

A parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE¼NW¼) of Section 14, Township 44 North, Range 2 West, New Mexico Principal Meridian, Hinsdale County, Colorado, the said parcel being all that portion of said property described as follows:

> Beginning at the Center-North One-Sixteenth Corner in Section 14, Township 44 North, Range 2 West, New Mexico Principal Meridian;
> thence N. 87°58' W. for a distance of 264.83 feet to a point on the centerline of the Cebolla Creek County Road (Hinsdale County Road No. 5);
> thence N. 49°37' E. for a distance of 312.84 feet;
> thence N. 31°09' E. for a distance of 43.23 feet to a point on the North-South Center Section line of Section 14;
> thence S. 0°57' E. for a distance of 249.15 feet to the Center-North One-Sixteenth Corner of Section 14, said corner being the point of beginning.

The easement described herein contains 0.71 acres, more or less. A plat showing the easement described above is attached hereto as Exhibit A and made a part hereof.

The easement herein granted is for the full use as a vehicle parking lot by the UNITED STATES OF AMERICA, its licensees and permittees, to lands owned, administered, or controlled by the UNITED STATES OF AMERICA for all lawful and proper purposes subject to reasonable rules and regulations of the Secretary of the Interior.

The grant of easement herein made is subject to the effect of reservations and leases, if any of oil, gas, and minerals in and under said land.

TO HAVE AND TO HOLD said easement unto the UNITED STATES OF AMERICA and its assigns forever.

Grantor covenants and warrants that he is lawfully seized and possessed of the land aforesaid and has the full right, power and authority to execute this conveyance, and that said land is free and clear of liens, claims, or encumbrances, except as shown of record, and that he will defend the title to the easement conveyed herein and quiet enjoyment thereof against the lawful claims and demands of all persons.

Dated this ____ day of ______________, 19___.

Accepted subject to approval of title by the Department of Justice.

____
WAYNE E. FLOWERS

____
NELLIE D. FLOWERS

____
(Signature of Authorized Officer)

____
(Title)

Correct as to Engineering Data:

____
Name

____
Title Date

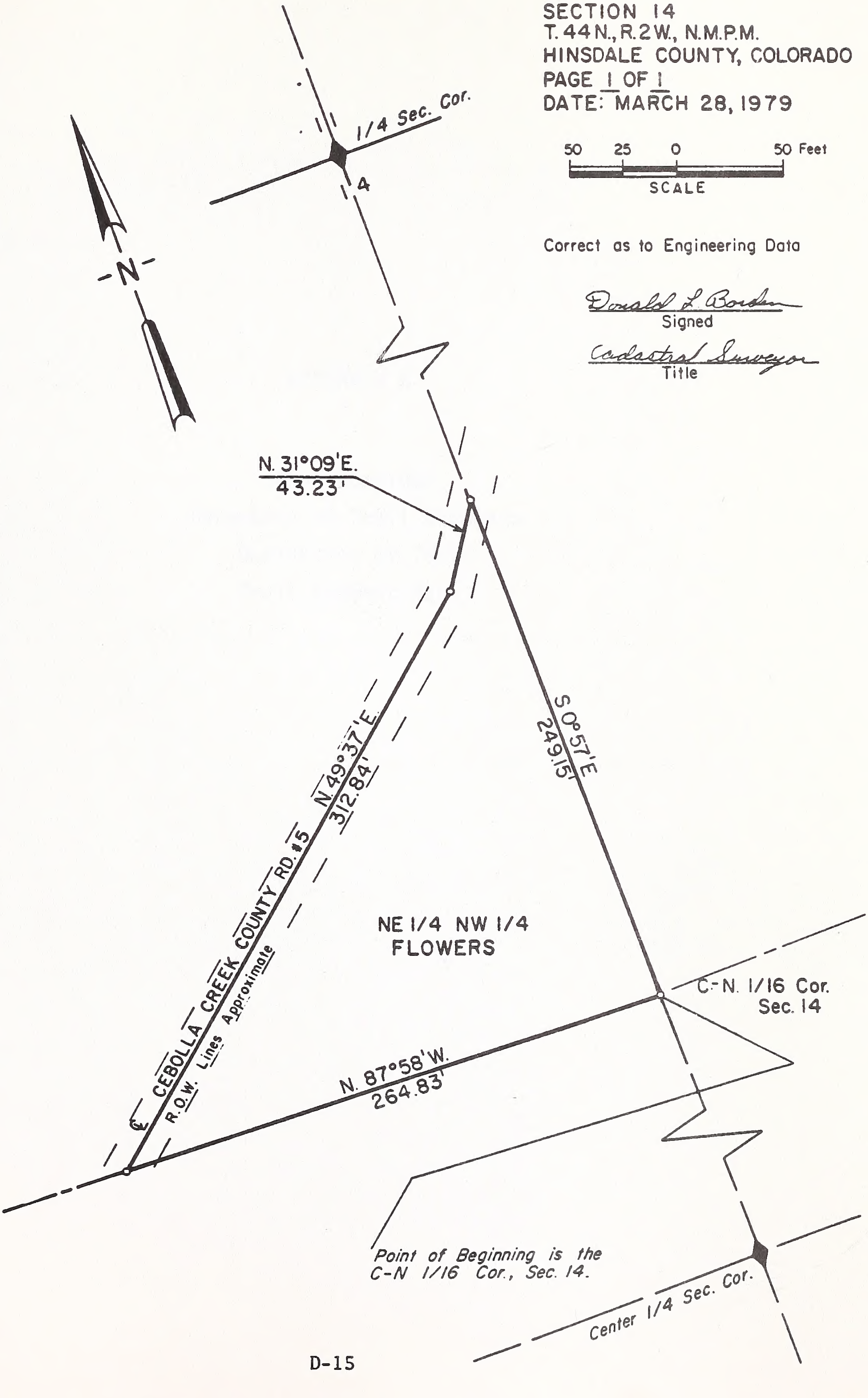
Form 2130-6 (Feb. 1976)

EXHIBIT A
TE-03-61
SECTION 14
T. 44 N., R. 2 W., N.M.P.M.
HINSDALE COUNTY, COLORADO
PAGE 1 OF 1
DATE: MARCH 28, 1979

Correct as to Engineering Data

Donald L. Borden
Signed

Cadastral Surveyor
Title



APPENDIX E

CDNST Corridor
Inventory of Trail Segments
Definition of Terms
Trail Segment Maps

CDNST DESCRIPTOR SUMMARY

K = 1000

SRU	MILES BY JURISDICTION					ROS CLASS														COST/MILE $		
	BLM	FS	NPS	State /Pvt	Total	Primitive Mi.	%	Semiprim. Nonmotor. Mi.	%	Semiprim. Motorized Mi.	%	Roaded Nat. Mi.	%	Rural Mi.	%	Wilderness Mi.	%	Motorized Mi.	%	Const	Reconst	Maint.
1B	-	444	95	42	581	244	42	186	32			46	8			354	61	46	8	7K	14K	500
1A		39			39	31	80	8	20							31	80					200
*1A&4B	50	252		8	310	59	19	16	5	233	75	3	1			25	8	236	76	3K		200
4A		101	65		166	123	74			43	26					123	74	43	26	10K	18K	800
4-2D		126			126	32	25	58	46	36	29					90	71	36	29	12K	8K	200
2E	147	43		93	283	14	5			269	95					14	5	269	95	6K		200
2F		115		10	125	50	40			75	60					28	22	26	21	9K		1K
2I		129	32	20	181	69	38	83	46	20	11			9	5	11	6	29	16	11K		1K
2J		232		7	239	36	15	122	51	22	9			60	25	81	34	139	58	20K	10K	900
3-2L		86			86	52	61	26	30					8	9	52	61	22	25		15K	1K
3-2K	25	220		142	387	145	37					121	50	121	50	81	21	152	39			1K
3E	157	100		248	505	25	1			227	49	253	50			25	5	354	70			
Totals	379	1887	192	570	3028	880	30	499	17	926	31	422	14	198	8	915	30	1352	45	9.7K	13K	$636
																				(Ave.)	(Ave.)	(Ave.)

*Trail goes back and forth across Divide and into both SRU's.

DEFINITIONS

STATE

(I) Idaho (M) Montana (W) Wyoming (C) Colorado (NM) New Mexico

SEGMENT

A portion of trail with an experience opportunity management objective.

SRU

Social Resource Unit - a geographic area that is characterized by patterns of cultural lifestyles, economic conditions, instructional arrangements and topography.

JURISDICTION

(F) Forest Service (S) State (BLM) Bureau of Land Management (NPS) National Park Service (IR) Indian Reservation (P) Private landowners.

CONDITION CLASS

Current use is: (1) Consistent with land use. Use is compatible with the planned use. (2) Exceeds land capacity - Use exceeds the planned use for the area. (3) Exceeds trail capacity - use exceeds the planned use for the trail. (4) Proposed - non-existing trail.

COST/MILE

(C) Construction (R) Reconstruction (M) Maintenance

ROS CLASS

Recreation Opportunity Spectrum - reflects the recreation activity opportunities and consists of six classes defined as follows:

(P) Primitive - Trail passes through an area characterized by essentially large areas of unmodified natural environment. Interaction between users is very low and isolation from the sights and sounds of man is prevalent. No motorized use.

(SPNM) Semi-primitive nonmotorized - Trail passes through medium to large size areas characterized by natural appearing environment. Interaction is low, but there is often evidence of other users. No motorized use.

Definitions (cont)

(SPM) Semi-primitive motorized - Trail passes through medium to large size areas characterized by natural appearing environment. Concentration of users is low, but there is often evidence of other users. Motorized use is permitted but is usually limited to trail bikes on trails or 4x4 drive vehicles (ORV's) operating on primitive roads. In rolling terrain, cross country travel can occur if permitted by land management direction for the area.

(RN) Roaded Natural - Trail passes through an area characterized by natural appearing environment with moderate evidences of the sights and sounds of man. Interaction between users may be low to moderate. Resource modification and utilization practices are evident but harmonize with the natural environment. Motorized users permitted.

(R) Rural - Trail passes through an area characterized by modified natural environment. Sights and sounds of man are readily evident and interaction between users is often moderate to high. Facilities for intensified motorized use and parking are available.

(U) Urban - Trail passes through an area characterized by a substantially urbanized environment. Sights and sounds of man, on-site, are predominant. Large numbers of users can be expected both on-site and in nearby areas. Facilities for high intensified motor use and parking are available with forms of mass transit often available.

VISUAL QUALITY CONDITION - (VQC)

Type I - Areas in which only ecological change has taken place except for trails needed for access. They appear to be untouched by human activities.

Type II - Areas in which changes in the landscape are not visually evident to the average person unless pointed out. They appear to be unnoticed.

Type III - Areas in which changes in the landscape are noticed by the average forest visitor, but they do not attract attention. The natural appearance of landscape still remains dominant. They appear to be minor disturbances.

Type IV - Areas in which changes in the landscape are easily noticed by the average forest visitor and may attract some attention. They appear to be disturbances but resemble natural patterns.

Type V - Areas in which changes in the landscape are strong and would be obvious to the average forest visitor. These changes stand out as dominating impression of landscape. Yet they are shaped so that they might resemble natural patterns when viewed from 3-5 miles or more distant. They appear to be major disturbances when viewed in the foreground (up to 1/4 of a mile).

Definitions (Cont)

Type VI - Areas in which changes in the landscape are in sharp contrast to the natural appearance. They appear to be drastic disturbances.

RECREATION VISITOR DAY (RFD) Recreational use of National Forest sites or areas of land or water, which aggregates 12 visitor hours. May consist of 1 person for 12 hours, 12 persons for 1 hour, or any equivalent combination of continuous or intermittent recreation use by individuals or groups.

USER CONFLICTS

Conflicts between users who are seeking a different experience or who possess different values in a recreation experience.

CULTURAL RESOURCES

Physical evidence of historic or prehistoric human behavior (FSM 2361.05).

WATER AVAILABILITY

(A) Available (NA) Not available.

FACILITY NEEDS

Facilities that need to be provided to meet the planned use of the trail, i.e., trailheads, etc.

LOCAL CONCERNS

Concerns expressed by persons living within Social Resource Units through which the trail passes.

CARRYING CAPACITY

Number of persons that can use trail and/or camp areas without having unacceptable affects on bio-physical resources or having unacceptable crowding based on local land management direction and standards.

Y - Yes N - No

HAZARD

A physical condition of a trail which may cause injury and is unusual or unexpected and not readily identifiable by the trail user. It is not a condition which is easily identifiable and normally encountered for the type or location of the trail involved. The following examples illustrate this distinction:

A Hazard Is:	It Is Not:
A trail not adequately marked for the invited user expectation (type).	A trail in wilderness with minimum directional signs.
A section of trail where the treadway appears undisturbed, but has actually been undermined by flooding of an adjacent stream.	A section of trail which has been undermined by an adjacent stream and part of the treadway is gone.
A stable appearing loose rock in a treadway which has been constructed and where all other rocks are stable.	A trail treadway made up of rocks in the near natural position, many of which are loose.
A single wet root in a well-graded earth treadway of a nature walkway.	Wet roots in a trail tread where the condition is prevalent for the type and location of the trail.
Rotten bridge decking or handrail.	A stream crossing where no bridge is provided and user expects this on the specific trail type.
A snag or "widow maker" out of the normal line of sight of a hiker likely to fall into the trail during high wind on a high use walkway, near a trailhead or trail intersection.	A snag in the general unimproved area of the Forest. An area of a blowdown or single blowdown across a trail at or below eye level.
A section of trail treadway supported by rotten cribbing.	A section of trail where the treadway is on the same slope as the terrain and slipping during wet conditions is obvious.
A steep or narrow cliff section on a high-use trail or certain special recreation type such as walkways - handicapped trails.	A steep or narrow section on a primitive trail where user are advised of conditions.
A deep bog hole on a horse trail.	A bog hole which will dry up after use restrictions are lifted in early summer.
A marked ford with undermined rocks or holes deeper than the normal channel.	A deep ford with consistent level bed.

CONST CORRIDOR

STATE	SEGMENT	SRU	JURISDICTION	TRAIL MILES	CONDITION CLASS	COST/ MILE			R/W NEEDED		ROS CLASS	EXISTING VQC	WILDER- NESS		MOTOR- IZED USE 4 X 4		Trail Bike		ANNUAL USE-RVD	USER CONFLICTS		CULTURAL RESOURCES AFFECTED	CONNECT- ING TRAILS		WATER AVAILA- BILITY	SAFETY CONCERNS	FACILITY NEEDS	LOCAL CONCERNS	CARRYING CAPACITY	UNIQUE SITUA- TIONS	REMARKS
						C	R	M	Y	N			Y	N	Y	N	Y	N		Y	N		Y	N							
M& I	1	1B	NPS	95	1			$1 K		X	SPNM	III	X			X		X			X	None	X		A	Grizzly Bear and Avalanche	None	Fire & Rescue Law Enf. Ind. Res.	50% of Est.	Indian Border	
"	1 A	"	"	25	1			$1 K		X	"	III	X			X		X			X	None	"		"	Grizzly Bear Hwy Use	None	Fire & Rescue Law Enf.	"	None	
"	1 B	"	"	8	1			$1 K		X	"	III	X			X		X			X	None	"		"	Grizzly Bear	None	Fire & Rescue Law Enf.	" "	None	
"	2	"	FS	31	1	$ 11 K	$ 3K			X	P	I		X		X		X	1200		X	None	"		"	None	Trail Head	None	50% of Est.	Oil & Gas Mining	Marias Pass
"	3	"	"	20	1	$ 10 K	$ 20 K	$3 K		X	P	I		X		X		X	2000		X	None	"		"		None	Grizzly Bear		None	
"	4	"	"	23	1			$3 K	X		P	I	X			X		X	2500		X	None	"		"	None	Trail Head	Over Use	90% of Est.	"	
"	5	"	"	15	1			$3 K			P	I	X			X		X	2500		X	None	"		"	None	None	"	"	"	
"	6	"	"	42	1		$ 50 K	$4 K		X	P	I	X			X		X	5000		X	None	"		"	None	None	"	"	"	
"	6a	"	"	17	1		$9 K	$5 K		X	P	I	X			X		X	4500		X	None	"		"	None	None	"	"	"	
"	7	"	"	18	1	"	"	"		"	"	"	"			"		"	"		X	None	"		"	None	None	"	"	"	
"	8	"	"	19	1	$ 15 K	$ 2K			X	P	"	"			"		"	2500		X	Donahe Homestead	"		"	None	None	"		"	
"	9	"	"	22	1	$ 15 K	$ 5 K	$ 1 K	X		SPN	II	X			X		X	1500		X	None	"		"	Grizzly Bear	Trail Head	Grizzly Bear	40% of Est.	"	
"	10	"	"	23	1			$2 K		X	P	I	X			X		X	300		X	None	"		"	Grizzly Bear	None	None		"	

CONST CORRIDOR

STATE	SEGMENT	SRU	JURISDICTION	TRAIL MILES	CONDITION CLASS	COST/ MILE C	COST/ MILE R	COST/ MILE M	R/W NEEDED Y	R/W NEEDED N	ROS CLASS	EXISTING VQC	WILDER-NESS Y	WILDER-NESS N	MOTOR-IZED USE 4 X 4 Y	MOTOR-IZED USE 4 X 4 N	MOTOR-IZED USE Trail Bike Y	MOTOR-IZED USE Trail Bike N	ANNUAL USE-RVD	USER CONFLICTS Y	USER CONFLICTS N	CULTURAL RESOURCES AFFECTED	CONNECT-ING TRAILS Y	CONNECT-ING TRAILS N	WATER AVAILA-BILITY	SAFETY CONCERNS	FACILITY NEEDS	LOCAL CONCERNS	CARRYING CAPACITY	UNIQUE SITUA-TIONS	REMARKS
M & I	11	18	FS	7	1			$ 6K	X		S P N	III		X	X		X		100		X	Lewis & Clark Hist. Trail	X		A	Grizzly Bears	Trail Head	Grizzly Bear		None	Lewis & Clark Pass-1806 Nat'l Hist. Trail (Prop)
"	12	"	"	9	1			$ 500		X	"	"		"	"		"		50		X	Archeo. Sites	X		A	None	Trail Head	Grizzly Bear		None	
M & I	13	"	"	7	1			$ 500		X	S P M	III		X	X		X		100		X	Archeological Sites	X		A	None	Trail Head	Motor Vehc.		None	
"	14	"	"	8	1			$ 800	X		R N	IV		"	"		"		1000	X		Mining Sites	"		NA	Motor Vehc.	"	None		"	
"	15	"	"	7	1			$ 400		X	"	"		"	"		"		30	"		Archeological Sites	"		A	"	"	Motor Vehc.		"	
"	16	"	"	10	1			$ 300	X		"	"		"	"		"		600	"		Mining Sites	"		NA	"	"	"		"	Marysville Mining Town 1876 1/
"	17	"	"	14	1			$ 700	X		S P M	III		"	"		"		600	"		Mullan Military ~~ROSP~~	"		A	Hiway 12 Xing	"	"		"	Mullan Pass 1862
"	18	"	"	11	1			$ 500	X		S P M	"		"	"		"		150	"		Mining Sites	"		A	"	"	"		"	
"	19	"	"	12	1			$ 1K		X	"	"		"	"		"		200	"			"		NA	None	"	"		"	
M & I	20	"	"	2	4	$ 5K				X				X	"		X					None	X		A			None		None	
"	21	"	"	5	4	$ 3K				"				"	"		"					Leadville	"		"			"		"	
"	22	"	"	5	1			$ 25		"	R N	V		"	"		"		100	X		Scaurchel Tunnel	"		"	None	None	"		"	
"	23	"	"	2	1	$ 2K		$ 30		"	"	V		"	"		"		200	"		None	"		"	"	"	"		"	

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CONST CORRIDOR

STATE	SEGMENT	SPU	JURISDICTION	TRAIL MILES	CONDITION CLASS	COST/ MILE			R/W NEEDED		ROS CLASS	EXISTING VQC	WILDERNESS		MOTORIZED USE 4 X 4		MOTORIZED USE Trail Bike		ANNUAL USE-RVD	USER CONFLICTS		CULTURAL RESOURCES AFFECTED	CONNECTING TRAILS		WATER AVAILABILITY	SAFETY CONCERNS	FACILITY NEEDS	LOCAL CONCERNS	CARRYING CAPACITY	UNIQUE SITUATIONS	REMARKS
						C	R	M	Y	N			Y	N	Y	N	Y	N		Y	N		Y	N							
"	24	1B	FS	4	1	$ 2K		$ 30	X		R N	V		X	X		X		75	X		NONE	X		A	NONE	NONE	NONE		NONE	
"	25	"	"	2	1	$ 3K		$ 130		X	"	V		"	"		"		500	"		"	"		"	"	"	"		"	
"	26	"	"	55	4	$ 10K			X					"	"		"		1000	"		Butte Old Mine Town		X	"	"	"	Private Land Owner		"	Butte Hist. Dis. 2/3/ Pipestone Pass Butte Copper Mines
"	27	"	"	33	1	$ 2K			X		S P M	III		"	"		"		200	"		None	"		"	"	"	"			
"		"	"	19	1	$ 2K			X		"	"		"	"		"		200	"		"	"		"	"	"	None			
"	29	"	"	11	1	$ 6K			X		P	I				X		X	1000			"	"		"	Trail Head	"	"			
M & I	30	1A	FS	15	1			$ 200		X	P	I	X			X		X	300			None	X		A	None	None	None	90% Est	None	
"	31	"	"	16	"			"		"	"	"	"			"		X	1500			"	"		"	"	Trail Head	"		"	
"	32	"	"	8	"			$ 100		"	S P M	"	"		X		X		600	X		"	"		"	"	"	"		"	

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CONST CORRIDOR

STATE	SEGMENT	SRU	JURISDICTION	TRAIL MILES	CONDITION CLASS	COST/ MILE			R/W NEEDED		ROS CLASS	EXISTING VQC	WILDERNESS		MOTORIZED USE 4 X 4		Trail Bike		ANNUAL USE-RVD	USER CONFLICTS		CULTURAL RESOURCES AFFECTED	CONNECTING TRAILS		WATER AVAILABILITY	SAFETY CONCERNS	FACILITY NEEDS	LOCAL CONCERNS	CARRYING CAPACITY	UNIQUE SITUATIONS	REMARKS
						C	R	M	Y	N			Y	N	Y	N	Y	N		Y	N		Y	N							
M & I	33	1A 4B	FS	14	1			$ 00	X		S P N	III		X	X		X		4000		X	None	X		A	None	Trail Head	None		None	Trail Ck 1877
"	34	"	"	13	4					X																				"	Big Hole Battle Field Nat'l Monument 3/ 187
"	35	"	"	3	1			$ 200		"	R N	IV		X	X		X		300	X		None	X		A	None	Trail Head	Open to Snowmob.		"	
"	36	"	"	8	1			$ 200		"	S P M	III		X	X		X		300	X		"	"		"	"	None	"		"	
"	37	"	"	9	4	$ 5K				"	"		X			X		X				"	"		"	"	Trail Head	"		"	
"	38	"	"	16	1			$ 100		"	"		X			X		X	1100	X		Ajax Mine	"		"	"	"	"		"	
"	39	"	"	8	"			"		"				X	X		X		1100	"		Janke & Darkhorse Mining	"		"	"	"	Open to Mtr. Veh		"	
"	40	"	"	21	"	$ 3K		$ 200		"	S P M	III		X	"		"		1200	"		Lemhi Pass	"		"	"	Water Develmt	None	100% of est.	"	Lemhi Pass 2/3 180
"	41	"	"	26	"	$ 2K		$ 150		"		"		"	"		"		1500	"		"	"		"	"	"	"	"	"	Bannack Pass Nez Perce Nat' His. Tr. (Prop
"	42	"	"	28	"	$ 3K		$ 200		"	S P M	"		"	"		"		1100	"		None	"		"	Drinking Water	Trail Head	"	"	"	
"	43	"	"	29	4	$ 1K		$ 100		"	"	"		"	"		"		1900	"		"	"		"	None	"	"	"	"	
"	44	"	"	36	1 & 4	"		"	X		"	"		"	"		"		3200	"		Indian Artifacts Pictogr.	"		"	"	"	"	"	"	
"	45	"	FS BL	50	1	$ 2K		"		X	"	"		"	"		"		500	"		None	"		"	"	"	"	"	"	

CONST CORRIDOR

STATE	SEGMENT	SRU	JURISDICTION	TRAIL MILES	CONDITION CLASS	COST/MILE			R/W NEEDED		ROS CLASS	EXISTING VQC	WILDERNESS		MOTORIZED USE				ANNUAL USE-RVD	USER CONFLICTS		CULTURAL RESOURCES AFFECTED	CONNECTING TRAILS		WATER AVAILABILITY	SAFETY CONCERNS	FACILITY NEEDS	LOCAL CONCERNS	CARRYING CAPACITY	UNIQUE SITUATIONS	REMARKS
															4 X 4		Trail Bike														
						C	R	M	Y	N			Y	N	Y	N	Y	N		Y	N		Y	N							
M & I	46	1A 4B	FS	49	4	$ 10K				X	P	I		X	X		X					Targee Pass		X	A	Grizzly Bear	Trail Heads	None		None	Nec Perce Natl Hist. Tr. (Prop)
W	1	4A	NPS	65	1			$ 1K		"	P	I		X		X		X	200		X	Bldg. at Old Faithful	X		"	Grizzly Bear	None	None	5% of Est.	None	
"	2	"	FS	58	"			$ 300		"	P	I & III	X			"		"	2200		"	Two Oceans Pass	"		"	"	"	Grizzly Bear	30% of Est	"	
"	2a	"	"	23	"			"		"	"	"	X			"		"	1000		"	Cabin Nowlin Meadows	"		"	"	"	"	35% of Est	"	
"	2b	"	"	18	"			"		"	P	I	X			"		"	1000		"	Lower Pentergr Meadows	"		"	"	Bridges	"	"	"	
"	3	"	"	43	"		$ 12K	"		"	S P M	III		X	X		X		2000	X		Togwotee Pass	"		"	None	Trail Head	Elk Habitat	5% of Est	"	Union Pass 3/ Wilson Price Hunt Rte - 1811
"	3a	"	"	30	"		$ 30K	$ 3K		"	"	"		"	"		"		2000	"		Union Pass	"		"	"	Signing	"	"	"	
"	3b	"	"	6	4		$ 12K	$ 600		"	"	"		"	"		"		500	"		None	"		"	"	Trail Heads	"	"	"	
"	3c	"	"	7	4	$ 10K		$ 500		"	"	"		"		X		"	"		"	"	"		"	"	Signing	"	"	"	

STATE	SEGMENT	SRU	JURISDICTION	TRAIL MILES	CONDITION CLASS	COST/ MILE			R/W NEEDED		ROS CLASS	EXISTING VQC	WILDER- NESS		MOTOR- IZED USE 4 X 4		Trail Bike		ANNUAL USE-RVD	USER CONFLICTS		CULTURAL RESOURCES AFFECTED	CONNECT- ING TRAILS		WATER AVAILA- BILITY	SAFETY CONCERNS	FACILITY NEEDS	LOCAL CONCERNS	CARRYING CAPACITY	UNIQUE SITUA- TIONS	REMARKS
						C	R	M	Y	N			Y	N	Y	N	Y	N		Y	N		Y	N							
W	4	2c&2d	FS	126	1 & 4	$ 12 K	$ 8K	$ 200		X	SPM & SP NM	III & IV	X			X		X	75000	X		None	X		A	None	None	Wilder- ness Impacts	75% of Es	None	Capt. BLE Bonneville Route 1832
"	4a	"	"	57	1		$ 12K	"		"	P SP NM	I & III	"			"		"	50000		X	"	"		"	"	"	"	90% o Est	"	
"	4b	"	"	25	1		$ 8K	"		"	P	I	"			"		"	30000		"	"	"		"	"	"	"	70% o Est	"	
"	4c	"	"	6	1		$ 10 K	"		"	SP NM	II	"			"		"	7000		"	"	"		"	"	"	None	30% o Est	"	
W	4d	"	"	2	1			$ 200		X	SP NM	II	X			X		X	7000		X	None	X		A	None	None	None	90% of Est.	None	
W	4e	2e	"	4	4	$ 12 K				"	"	"	X			X		X	300		X	"	"		A	"	"	"	5% of Est.	"	
"	4f	"	"	7	4	$ 10 K	$6 K	$ 100		"	"	"	X	X	X	"	X	"	500	X			"		"	"	"	"	"	"	
"	4g	"	"	6	1		"			"	SPM	III		"		"		"	1000	X			"		"	"	"	"	"	"	
"	5	"	BLM	170 & 70	1& 4				X		"	"		"	X		X					Overland Trail & Ore. Trail		X	NA	Water	"	Priv. Prop.		"	So. Pass 2/3/ O Morman Trail So. Pass City (Hist)
"	5a	"	"	42	1				"		"	"		"	"		"					Oregon Trail	X		A	None	"	"		"	Bridgers Pass Overhead Trail Morman Pioneer Nat'l Hist Tra (Prop)

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STATE	SEGMENT	SRU	JURISDICTION	TRAIL MILES	CONDITION CLASS	COST/MILE		R/W NEEDED		ROS CLASS	EXISTING VQC	WILDERNESS		MOTORIZED USE 4 X 4		MOTORIZED USE Trail Bike		ANNUAL USE-RVD	USER CONFLICTS		CULTURAL RESOURCES AFFECTED	CONNECTING TRAILS		WATER AVAILABILITY	SAFETY CONCERNS	FACILITY NEEDS	LOCAL CONCERNS	CARRYING CAPACITY	UNIQUE SITUATIONS	REMARKS
						C/R	M	Y	N			Y	N	Y	N	Y	N		Y	N		Y	N							
"	5b	2e	FS	37	1& 4		$ "100		X	S P M			X		X						Imigrant Spring		X	A	NONE	NONE	PRIV. PROP.		NONE	
"	5c	"	"	40	"		"		"	"		"	"		"						Ft. Washington Stage Rt	X		A	Mining Green Mt.	"	"		Mineral Explor.	
"	5d	"	"	8	1		"		"	"		"	"		"						None		X	A	None	"	"		None	Whiskey Gap
"	5e	"	"	70	1		"		"	"		"	"		"						Overland Trail	X		NA	Motor Vehicle	"	None		"	
W	6	"	"	3	1		$ 1 k		X	S P M	II		X	X		X		200		X	None	X		A	None	None	None	10% of Est.	None	
"	7	"	"	14	1 & 4	$ 8 k	$ 700		"	RN & SPM	II & V		"	"		"		600		"	"	X		"	"	Trail Head	None	20% of Est.	"	
"	7d	"	"	12	"		"		"	P& RN	I & V		"	"		"		800		"	"	X		"	"	"	Prop. Jack Cr. Reserv.		"	
"	8	"	"	6	1		$ 1 K		X	S P M	III		X	X		X		500	X		Old Mine Sites	X		A	None	None	None	20% of Est.	None	
"	9	"	"	15	1 & 4	$ 9K	"		"	P	I	X			X		X	300		X	None	X		"	"	Trail Head	"	10% of Est.	"	
"	9a	"	"	3	1		"		"	P	I	"			X		X	100		X	"	X		"	"	None	"	"	"	
"	10	"	"	5	1 & 4	$ 9K	"		"	S P M	III		X	X		X		200	X		"	X		"	"	Trail Head	"	"	"	

STATE	SEGMENT	SRU	JURISDICTION	TRAIL MILES	CONDITION CLASS	COST/MILE C	COST/MILE R	COST/MILE M	R/W NEEDED Y	R/W NEEDED N	ROS CLASS	EXISTING VQC	WILDERNESS Y	WILDERNESS N	MOTORIZED USE 4 X 4 Y	MOTORIZED USE 4 X 4 N	MOTORIZED USE Trail Bike Y	MOTORIZED USE Trail Bike N	ANNUAL USE-RVD	USER CONFLICTS Y	USER CONFLICTS N	CULTURAL RESOURCES AFFECTED	CONNECTING TRAILS Y	CONNECTING TRAILS N	WATER AVAILABILITY	SAFETY CONCERNS	FACILITY NEEDS	LOCAL CONCERNS	CARRYING CAPACITY	UNIQUE SITUATIONS	REMARKS
C	1	2F	FS	23	3			$800		X	SPM	II		X		X		X	1500		X	None	X		X	None	Trail-head	Cattle	60% of est.	None	
C	1A	"	"	20	1	$2K		$80		X	SP NM	I	X			X		X	1200		X	Visual at Slavonia Mine	X		A	None	None	Elk harassment	30% of est.	Cattle summer range	
C	1B	"	"	11	1	$4K		$80		X	P & SP NM	I	X			X		X	400		X	None	X		A	Snow-fields	None	Gem Lake & Encampment Mdws	25% of est.	None	
C	2	"	"	21	1			$1K		X	P	I	X			X		X	1500		X	None	X		A	None	Trail-head	None	70% of est.	None	
C	3	"	"	6	4	$10				X																					
C	3A	"	"	7	1			$ 300		X	SP NM & RN	II & IV		X		X		X	2000		X	None	X		A	None	None		30% of est.	None	
C	4	"	"	23	4	$8K			X																						
C	4A	"	"	16	4	$ 10K			X																						
C	4B	"	"	5	4	$8K			X																						
C	5	"	"	19	1			$1K		X	SPM	IV		X	X		X		1000	X		None	X		A	None	Trailhead	None	40% of est.	None	

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STATE	SEGMENT	SRU	JURISDICTION	TRAIL MILES	CONDITION CLASS	COST/ MILE			R/W NEEDED		ROS CLASS	EXISTING VQC	WILDER- NESS		MOTOR- IZED USE				ANNUAL USE-RVD	USER CONFLICTS		CULTURAL RESOURCES AFFECTED	CONNECT- ING TRAILS		WATER AVAILA- BILITY	SAFETY CONCERNS	FACILITY NEEDS	LOCAL CONCERNS	CARRYING CAPACITY	UNIQUE SITUA- TIONS	REMARKS
															4 X 4		Trail Bike														
						C	R	M	Y	N			Y	N	Y	N	Y	N		Y	N		Y	N							
C	6	21	FS	8	1			$ 600		X	RN & SPM	II & V		X	X		X		500	X		None	X		A	None	Trailhead	None	30% of est.	None	
C	7	21	FS	5	1			$ 800		X	SPM	V		X	X		X		500	X		None	X		A	None	None	None	30% of est.	None	
C	8	21	FS	14	1			$1K		X	P	I		X		X		X	500	X		None	X		A	None	Trailhead	None	30% of est.	None	
C	9	2	NPS	25	1		$ 50K	$ 500		X	P& SP NM	I & III		X		X		X	2000		X	Arap. Nat'l Rec. Area	X		A	None	None	User Impacts	60% of est.	Shadow Mt. Lookout	Lulu City (Hist. interest)
C	9A	2	NPS	7	1			$1K		X	SPM	III		X	X		X		500	X		Grand Ditch	X		A		None		10% of est.	None	
C	9B	2	FS	FS-12 NPS-1	1			$1K		X	RN	V		X	X		X		500	X		None	X		A	Motor Vehicles	Trailhead	Snow-mobile use	30% of est.	None	
C	10	2	FS	4	1			$1K		X	SP NM	II		X		X		X	2000		X	None	X		A	None	Trailhead	Overuse	90% of est.	Natl. Recrea-tion area	
C	11	2	FS	3	3			$2K		X	RN	V		X	X		X		5000	X		None	X		A	Motor Vehicles	None	Overuse	100% of est.	Natl. Recrea-tion area	
C	12	2	FS	8	3			$2K		X	SP NM	I	X			X		X	5000	X		Natly. sig. Paleo-Indian sites	X		A	Motor Vehicles	Trailhead	Overuse *	100% of est.	None	*Potential damg. to Paleo Ind. sites
C	12A	2	FS	11	3			$2K		X	SPM	IV		X	X		X		5000	X		None	X		A	Motor Vehicles	Trailhead	Overuse	100% of est.	None	
C	12B	21	FS	4	3			$2K		X	SP NM	II	X			X		X	5000		X	Natly. sig. Paleo-Indian sites	X		A	None	None	Overuse *	100% of est.	None	*
C	13	21	FS	5	4	$ 15K																Natly. sig. Paleo-Indian sites						*			*
C	13A	21	FS	9	3			$2K		X	P	II		X		X		X	5000		X	None	X		A	Avalanche	None	Overuse	100% of est.	None	

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STATE	SEGMENT	SRU	JURISDICTION	TRAIL MILES	CONDITION CLASS	COST/ MILE			R/W NEEDED		ROS CLASS	EXISTING VQC	WILDER-NESS		MOTOR-IZED USE				ANNUAL USE-RVD	USER CONFLICTS		CULTURAL RESOURCES AFFECTED	CONNECT-ING TRAILS		WATER AVAILA-BILITY	SAFETY CONCERNS	FACILITY NEEDS	LOCAL CONCERNS	CARRYING CAPACITY	UNIQUE SITUA-TIONS	REMARKS
						C	R	M	Y	N			Y	N	4 X 4 Y	4 X 4 N	Trail Bike Y	Trail Bike N		Y	N		Y	N							
C	14	21	FS	21	4						P																				Moffat Road
C	15	21	FS	4	4	$ 12K				X	SP NM	I		X		X		X	500		X	None	X		A	None	Trailhead	None	3500 RVD	None	
C	16	21	FS	16	4	$ 15K																									
C	17	21	FS	10	4	$ 10K				X	SP NM																				
C	17A	21	FS	6	1			$ 100		X	SPM & SP NM	IV		X	X	X	X	X	3000	X		None	X		A	None	None	None	50% of est.	None	
C	18	21	FS	5	1	$ 10K		$ 300		X	SPM	III		X	X		X		2500	X			X		A	Motor Vehicles	None	None	25% of est.	None	
C	18A -1	21	FS	10	1			$ 100		X	SPM	III		X	X		X		2500	X		Parkville & Montezuma	X		A	Motor Vehicles	None	None	25% of est.	None	
C	18A -2	21	FS	6	1			$ 100		X	RN	IV		X	X		X		1500	X		Tiger Assay Off. Site	X		A	Motor Vehicles	Trailhead	Xing Sit. #9	50% of est.	Mix of Motor Veh. Bikes&Hikers	
C	18A -3	21	FS	11	1				X		RN	IV		X	X		X		1000	X		None	X		A	Motor Vehicles	None	Xing Sit. #9	25% of est.	Mix of Motor Veh. Bikes&Hikers	
C	18A -4	21	FS	6	1	$5K			X		SPM & SP NM	V, II		X	X		X		1500	X		None	X		A	Avalanche	Trailhead	Wildlife	10% of est.	None	
C	18A -5	21	FS	8	4	$ 20K																									
C	19	21	FS	20	4	$3K				X	SP NM																				
C	19A	21	FS	7	1	$5K				X	RN	III		X	X		X		500	X		None	X		A	Avalanche	None	Wildlife	-	None	

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REMARKS	UNIQUE SITUATIONS	CARRYING CAPACITY	LOCAL CONCERNS	FACILITY NEEDS	SAFETY CONCERNS	WATER AVAILABILITY	CONNECTING TRAILS Y	CONNECTING TRAILS N	CULTURAL RESOURCES AFFECTED	USER CONFLICTS Y	USER CONFLICTS N	ANNUAL USE-RVD	MOTORIZED USE Trail Bike N	MOTORIZED USE Trail Bike Y	MOTORIZED USE 4 X 4 N	MOTORIZED USE 4 X 4 Y	WILDERNESS N	WILDERNESS Y	EXISTING VQC	ROS CLASS	R/W NEEDED N	R/W NEEDED Y	COST/MILE M	COST/MILE C/R	CONDITION CLASS	TRAIL MILES	JURISDICTION	SRU	SEGMENT	STATE
	None	10% of est.	Wildlife	None	Avalanche	A	X		None	X		1500		X		X	X		II	SPM	X		$ 100		1	2	FS	2I	19B	C
																								$ 20K	4	20	FS	2J	20	C
	10th Mtn. Div. Mem. Tenn. Pass	60% of est.	None	Trailhead	Avalanche	A	X		None		X	3000	X		X		X		II	SP NM	X		$1K		1	11	FS	2J	21	C
Dexter Cabin 3/ Healy House 3/ Leadville Hist. Dist.	None	80% of est.	None	Trailhead	None	A	X		None		X	5000	X		X			X	I	P	X		$1K		1	9	FS	2J	22	C
	None	80% of est.	Veh. Traffic	None	Motor Vehicles	A	X		Hagerman Tunnel		X	5000		X		X	X		III	SPM	X		$ 300		1	6	FS	2J	22A	C
	None	60% of est.	Veh. Traffic	Trailhead	Motor Vehicles	A	X		Carlton Tunnel	X		1000	X	X	X	X		X	II	P & SPM	X		$ 200		1	8	FS	2J	22B	C
	None	80% of est.	None	Trailhead	None	A	X		Old Mine Remnants		X	1000	X		X			X	I	P		X	$1K		2	3½	FS	2J	22C	C
	None	50% of est.	None	None	None	A	X		None		X	1500	X		X		X		II	SP NM		X	$1K		1	7	FS	2J	23	C
Independence Mill Site 3/ & Independence Ghost Town 3/	on State Highway	Road	Veh. Traffic	Trailhead	Motor Vehicles	A	X		Independence Pass & Townsite	X		3000		X		X	X		V	RN	X		-		1	2½	FS	2J	24	C
	Mining Activity	60% of est.	Veh. Traffic	None	Mining & Motor Vehicles	A	X		Old Mines	X		1000		X		X	X		III	P		X	$ 800		2	9	FS	2J	25	C

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STATE	SEGMENT	SRU	JURISDICTION	TRAIL MILES	CONDITION CLASS	COST/MILE C	COST/MILE R	COST/MILE M	R/W NEEDED Y	R/W NEEDED N	ROS CLASS	EXISTING VQC	WILDERNESS Y	WILDERNESS N	MOTORIZED USE 4 X 4 Y	MOTORIZED USE 4 X 4 N	MOTORIZED USE Trail Bike Y	MOTORIZED USE Trail Bike N	ANNUAL USE-RVD	USER CONFLICTS Y	USER CONFLICTS N	CULTURAL RESOURCES AFFECTED	CONNECTING TRAILS Y	CONNECTING TRAILS N	WATER AVAILABILITY	SAFETY CONCERNS	FACILITY NEEDS	LOCAL CONCERNS	CARRYING CAPACITY	UNIQUE SITUATIONS	REMARKS
C	26	2J	FS	24	3			$1K		X	SP NM	II	X			X		X	1000		X	None	X		A	None	Campground & Trailhead	None	60% of est.	None	
C	27	2J	FS	5	1			-		X	SPM	V		X	X		X		1500	X		None	X		A	Motor Vehicles	None	Veh. Traffic	Road	None	
C	28	2J	FS	2	-			-		X	SPM	V		X	X		X		5000	X		None	X		A	Motor Vehicles	None	Veh. Traffic	Road	None	
C	29	2J	FS	4	2			$1K		X	SPM	I		X		X		X	1000		X	Old Alpine Tunnel	X		A	None	None	None	50% of est.	Old Alpine Tunnel	Alpine Pass Tunnel
C	30	2J	FS	3	1			$1K		X	RN	III		X		X		X	1000		X	None	X		A	None	None	None	30% of est.	None	
C	31	2J	FS	2½	1			-	X		RN	III		X	X		X		5000	X		Town of Hancock	X		A	Avalanche	None	Veh. Traffic	Road	None	
C	32	2J	FS	2½	1		$ 10K	$1K		X	SP NM	I		X		X		X	1000		X	None	X		A	None	None	None	20% of est.	None	
C	33	2J	FS	2	1			$ 300	X		RN	III		X	X		X		1000	X		None	X		A	None	Trailhead	None	50% of est.	None	
C	34	2J	FS	8	1			$ 300		X	RN & SP NM	I & V		X	X		X		1000	X		None	X		A	None	Trailhead	None	20% of est.	Monarch Ski Area	
C	35	2J	FS	13	1			$1K		X	SP NM	II		X		X		X	1000		X	Monarch Pass RR Grade	X		A	None	Trailhead	None	20% of est.	None	
C	36	2J	FS	3	1			$1K		X	RN	III		X		X		X	1000		X	None	X		A	None	Trailhead	None	40% of est.	None	
C	37	2J	FS	9	1			$1K		X	P	I		X		X		X	800		X	Cameron Park	X		A	None	Trailhead	None	50% of est.	None	
C	38	2J	FS	4½	Rd.			-		X	SPM	II		X	X		X		1000	X		None	A		A	Vehicle Traffic	Trailhead	None	50% of est.	None	

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STATE	SEGMENT	SRU	JURISDICTION	TRAIL MILES	CONDITION CLASS	COST/MILE			R/W NEEDED		ROS CLASS	EXISTING VQC	WILDERNESS		MOTORIZED USE				ANNUAL USE-RVD	USER CONFLICTS		CULTURAL RESOURCES AFFECTED	CONNECTING TRAILS		WATER AVAILABILITY	SAFETY CONCERNS	FACILITY NEEDS	LOCAL CONCERNS	CARRYING CAPACITY	UNIQUE SITUATIONS	REMARKS
															4 X 4		Trail Bike														
						C	R	M	Y	N			Y	N	Y	N	Y	N		Y	N		Y	N							
C	39	2J	FS	14	1			$1K		X	SP NM	II		X	X		X		5000		X	None	X		A	Vehicle Traffic	None	None	50% of est.	None	
C	40	2J	FS	25	Rd.			-		X	RN	IV		X	X		X		5000	X		None	X		A	Vehicle Traffic	Trailhead	None	70% of est.	None	
C	41	2J	FS	26	1			$1K		X	SP NM	I	X		X		X		1000		X	None	X		A	None	None	None	60% of est.	None	
C	42	3-2K	FS	37	1			$1K		X	P	I		X		X		X	800		X	None	X		A	None	Trailhead	Signing	60% of est.	None	
C	43	3-3K	FS	75	1			$1K		X	P	I	X			X		X	1500		X	The Windows-Weminuche	X		A	Horse Use	Trail-heads	Too heavy use	65% of est.	None	
C	44	3-2L	FS	2	1			$1K		X	RN	V		X	X		X		5000	X		Wolf Cr. Pass	X		A	Crossing Highway	Trailhead	None	50% of est.	None	
C	45	3-2L	FS	10	1		$15K	$1K		X	SP NM	II		X		X		X	4000		X	Elwood Pass Road	X		A	Trail is hazardous	Trailhead	None	70% of est.	None	

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STATE	SEGMENT	SRU	JURISDICTION	TRAIL MILES	CONDITION CLASS	COST/ MILE			R/W NEEDED		ROS CLASS	EXISTING VQC	WILDER-NESS		MOTOR-IZED USE 4 X 4		Trail Bike		ANNUAL USE-RVD	USER CONFLICTS		CULTURAL RESOURCES AFFECTED	CONNECT-ING TRAILS		WATER AVAILA-BILITY	SAFETY CONCERNS	FACILITY NEEDS	LOCAL CONCERNS	CARRYING CAPACITY	UNIQUE SITUA-TIONS	REMARKS
						C	R	M	Y	N			Y	N	Y	N	Y	N		Y	N		Y	N							
C	46	3-2L	FS	6	1			$1K		X	SP NM	I		X		X		X	4000		X	None	X		A	None	Trailhead	None	60% of est.	None	
C	47	3-2L	FS	32	1			$1K		X	P	I	X			X		X	500		X	Gunsight Pass	X		A	None	Trailhead	None	60% of est.	New Proposed Wilderness	
C	48	3-2L	FS	3	Rd.					X	RN	IV		X	X		X		5000	X		Cumbres Pass	X		A	Vehicle Traffic	Trailhead	None	-	Railroad	Cumbres and Toltec Scenic Railroad 3/
NM	1	3-2K	P IR FS BLM	90	4				X					X											NA						Dominguez-Escalante Nat. Hist. Trail
NM	2	3-2K	P BLM S	100	4				X		R & RN	V		X	X		X		200						NA						Charo Canyon Natl. Monument
NM	3	3-2K	P S FS	52	4				X		RN & SPN	IV & III		X	X		X		800			Old railroad logged area			A						Dominguez-Escalante Natl Hist. Trail El Morro Natl Monument 3/

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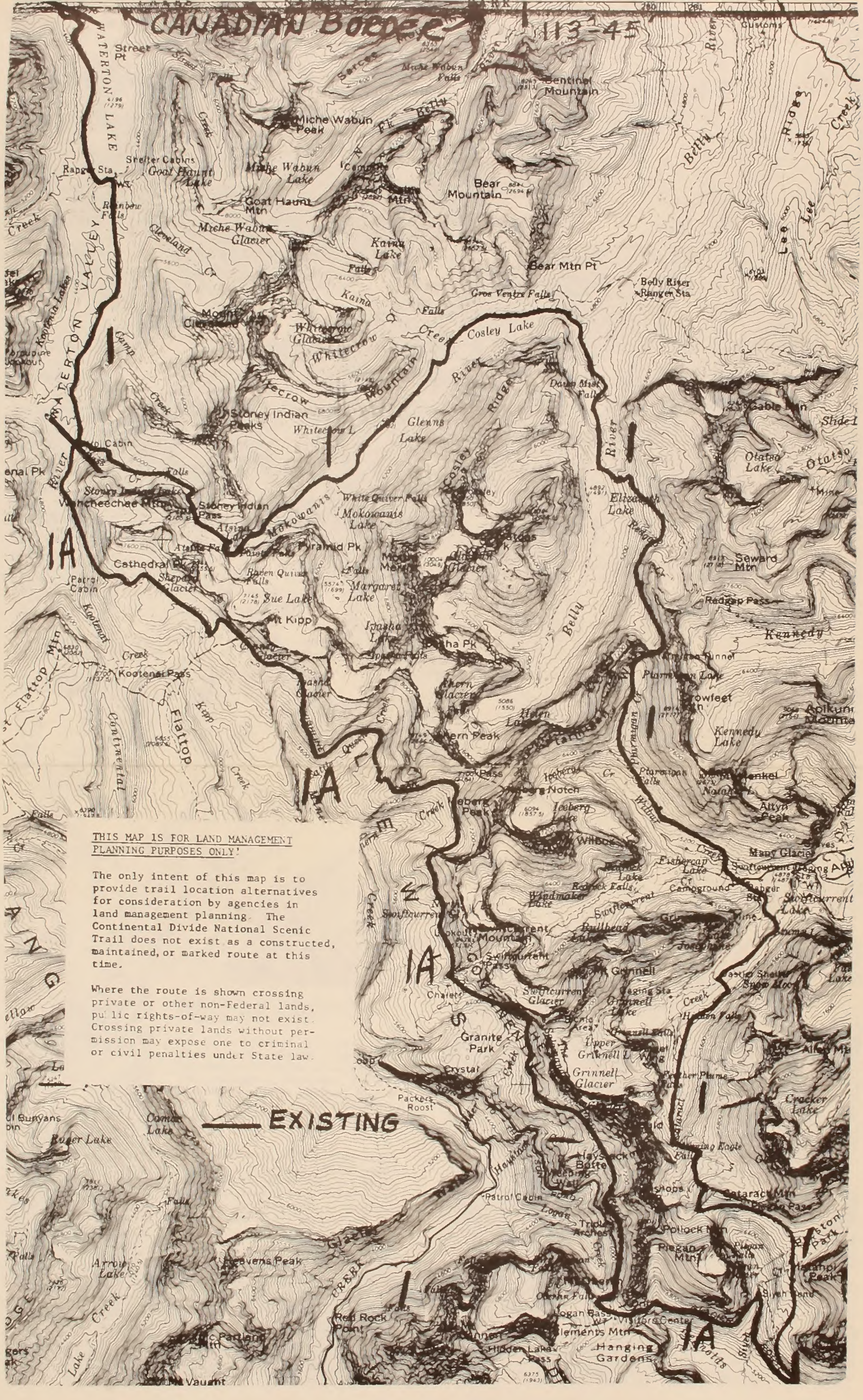
REMARKS	Dominguez-Escalante Nat. Hist. Trail : El Morro Natl Monument 3/		Gila Cliff Dwellings Natl. Mon. 3/ Silver City	Shakespeare Ghost Town 3/ Mormon Battalion Route									
UNIQUE SITUATIONS													
CARRYING CAPACITY													
LOCAL CONCERNS													
FACILITY NEEDS													
SAFETY CONCERNS													
WATER AVAILABILITY	NA	NA	A	NA									
CONNECTING TRAILS N													
CONNECTING TRAILS Y													
CULTURAL RESOURCES AFFECTED	El Morro												
USER CONFLICTS N													
USER CONFLICTS Y													
ANNUAL USE-RVD	400	400	8000	400									
MOTORIZED USE Trail Bike N			X										
MOTORIZED USE Trail Bike Y	X	X		X									
MOTORIZED USE 4 X 4 N			X										
MOTORIZED USE 4 X 4 Y	X	X		X									
WILDERNESS N	X	X		X									
WILDERNESS Y			X										
EXISTING VQC	IV & III	IV & III	I III IV	V & III									
ROS CLASS	RN & SPM	RN & SPM	P SPM SP NM	RN SPM									
R/W NEEDED N													
R/W NEEDED Y	X	X	X	X									
COST/MILE M													
COST/MILE R													
COST/MILE C													
CONDITION CLASS	4	4	1	4									
TRAIL MILES	85	90	150	180									
JURISDICTION	FS BLM SP	SP BLM FS	FS SP BLM										
SRU	3E	3E	3E	3E									
SEGMENT	4	5	6	7									
STATE	NM	NM	NM	NM									

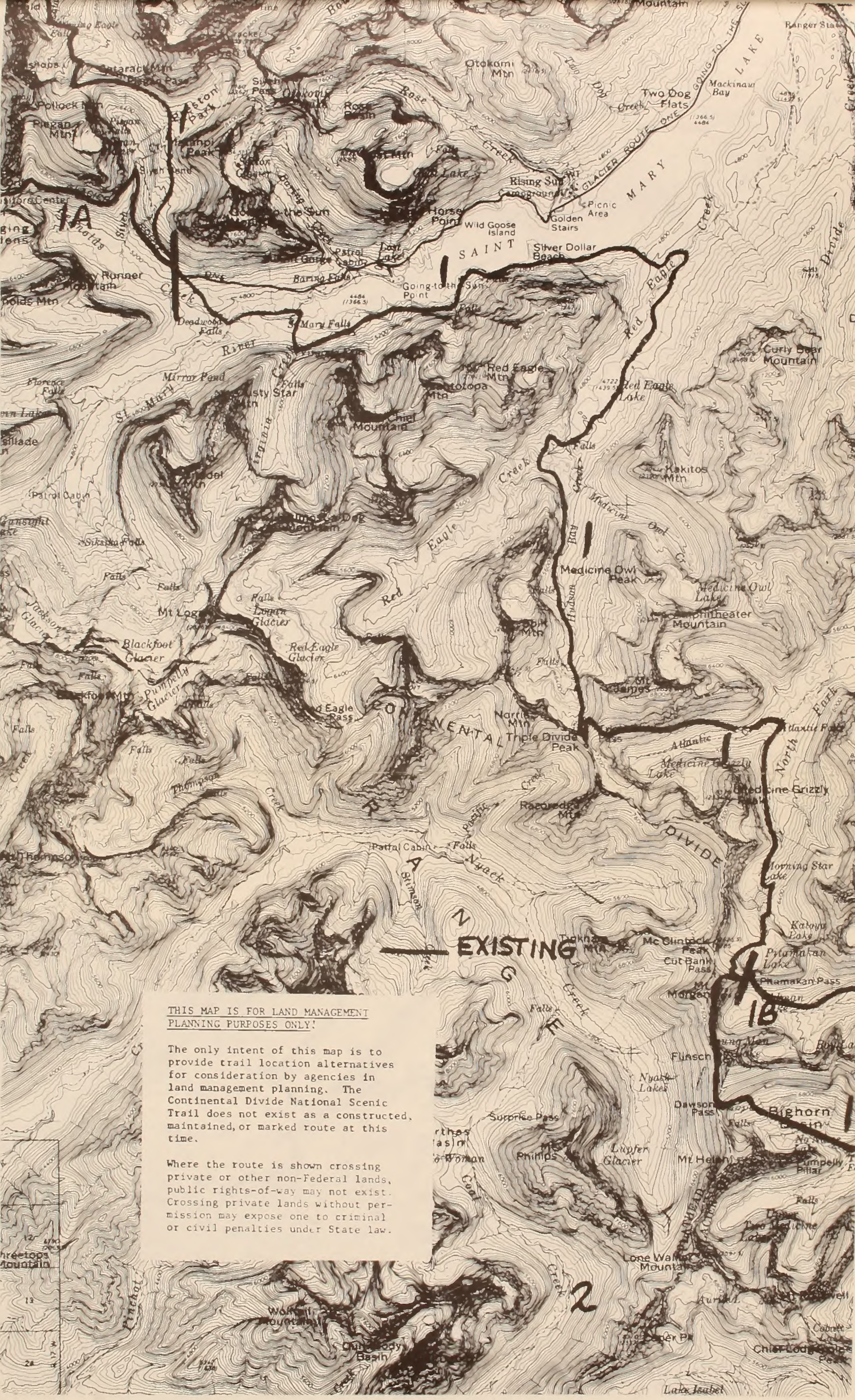
REMARKS													
UNIQUE SITUATIONS													
CARRYING CAPACITY													
LOCAL CONCERNS													
FACILITY NEEDS													
SAFETY CONCERNS	Motor Vehicles	Motor Vehicles	Motor Vehicles										
WATER AVAILABILITY													
CONNECTING TRAILS N													
CONNECTING TRAILS Y													
CULTURAL RESOURCES AFFECTED													
USER CONFLICTS N													
USER CONFLICTS Y													
ANNUAL USE-RVD													
MOTORIZED USE Trail Bike N													
MOTORIZED USE Trail Bike Y													
MOTORIZED USE 4 X 4 N													
MOTORIZED USE 4 X 4 Y													
WILDERNESS N													
WILDERNESS Y													
EXISTING VQC													
ROS CLASS													
R/W NEEDED N													
R/W NEEDED Y	X	X	X	X									
COST/MILE M													
COST/MILE R													
COST/MILE C													
CONDITION CLASS													
TRAIL MILES													
JURISDICTION													
SRU	[illegible] 2K& 3E	3- 2K	3- 2K	3- 2K									
SEGMENT		1A	1B	1C									
STATE	NM	NM	NM	NM									



THIS MAP IS FOR LAND MANAGEMENT PLANNING PURPOSES ONLY!

The only intent of this map is to provide trail location alternatives for consideration by agencies in land management planning. The Continental Divide National Scenic Trail does not exist as a constructed, maintained, or marked route at this time.

Where the route is shown crossing private or other non-Federal lands, public rights-of-way may not exist. Crossing private lands without permission may expose one to criminal or civil penalties under State law.



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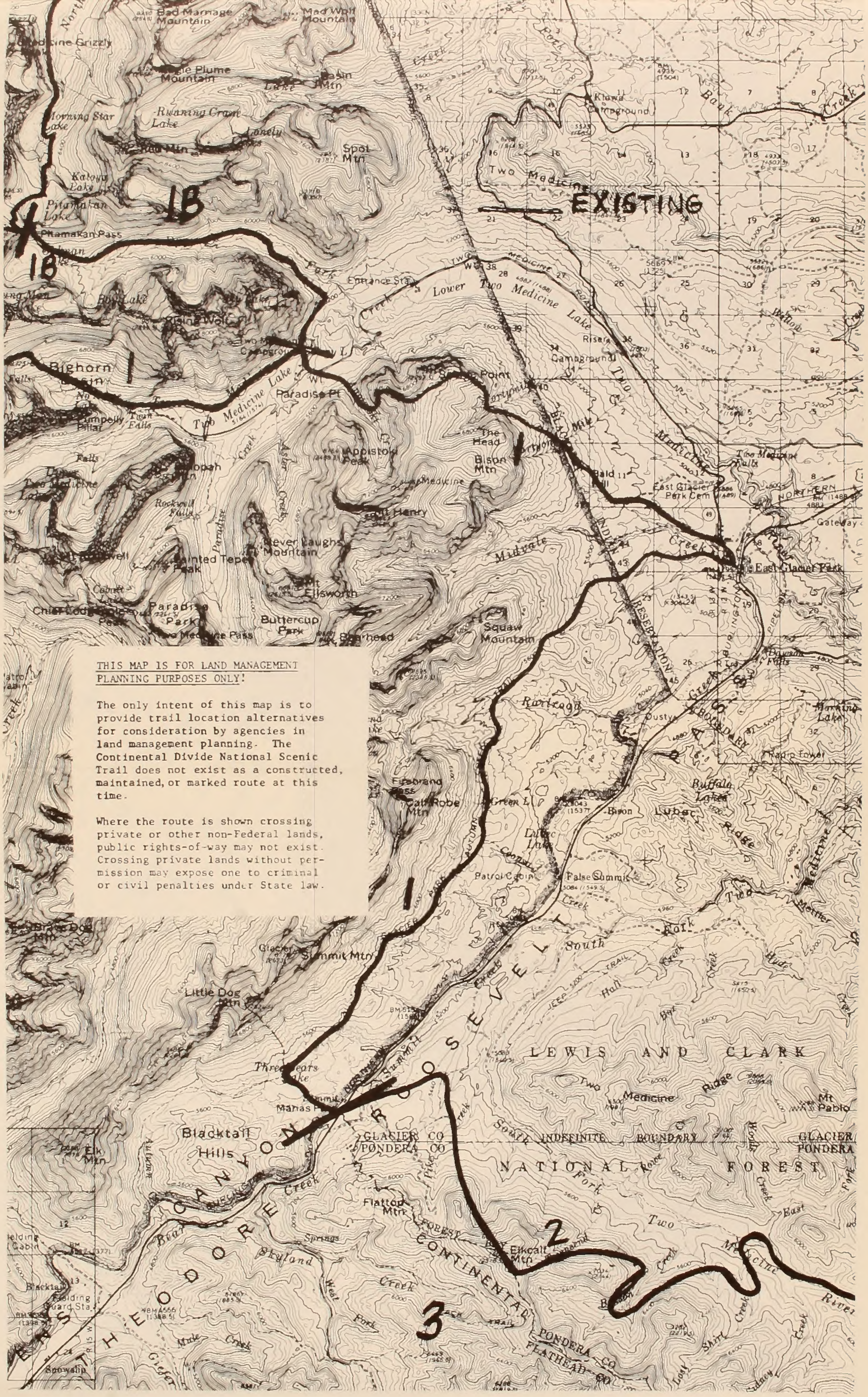

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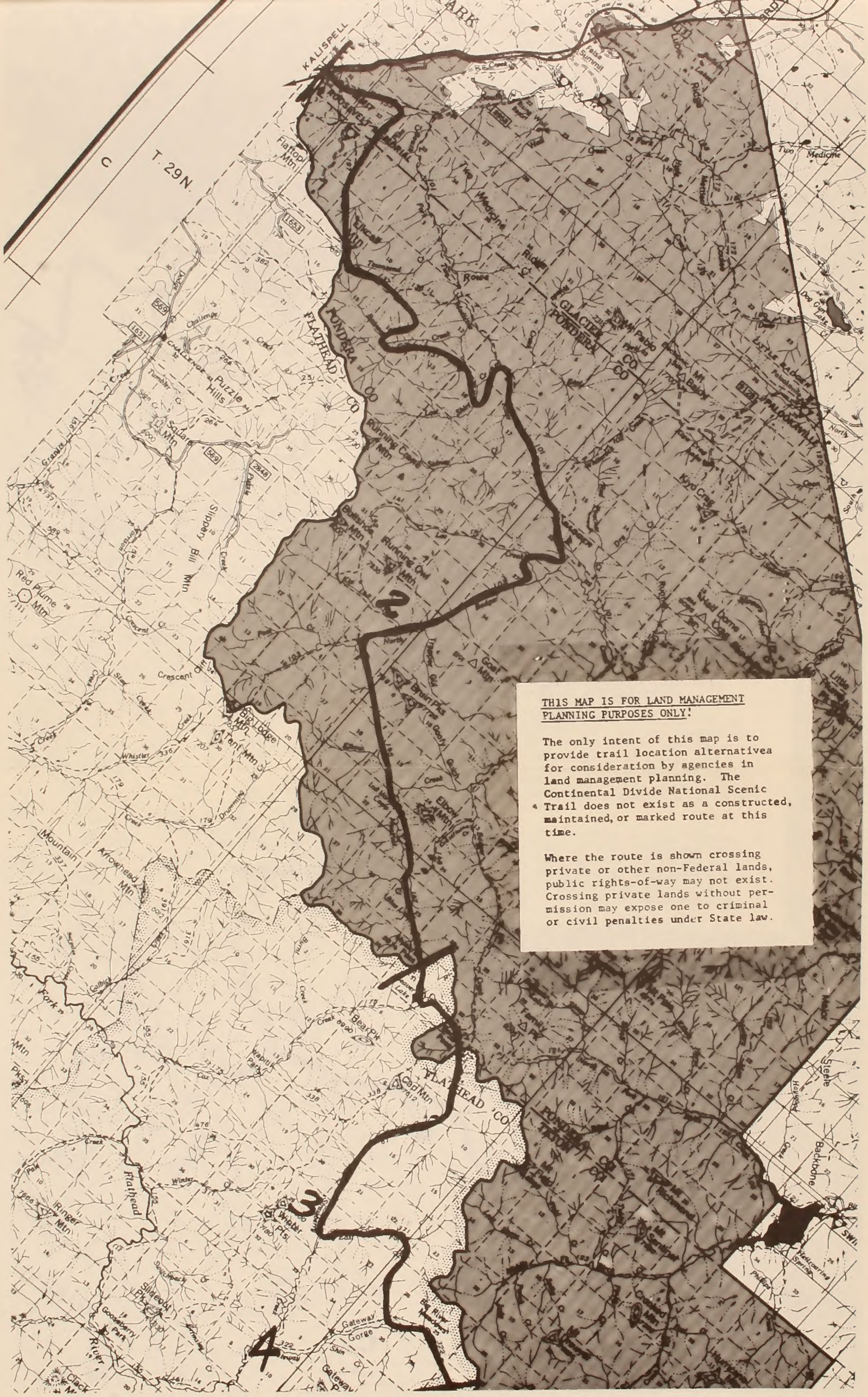

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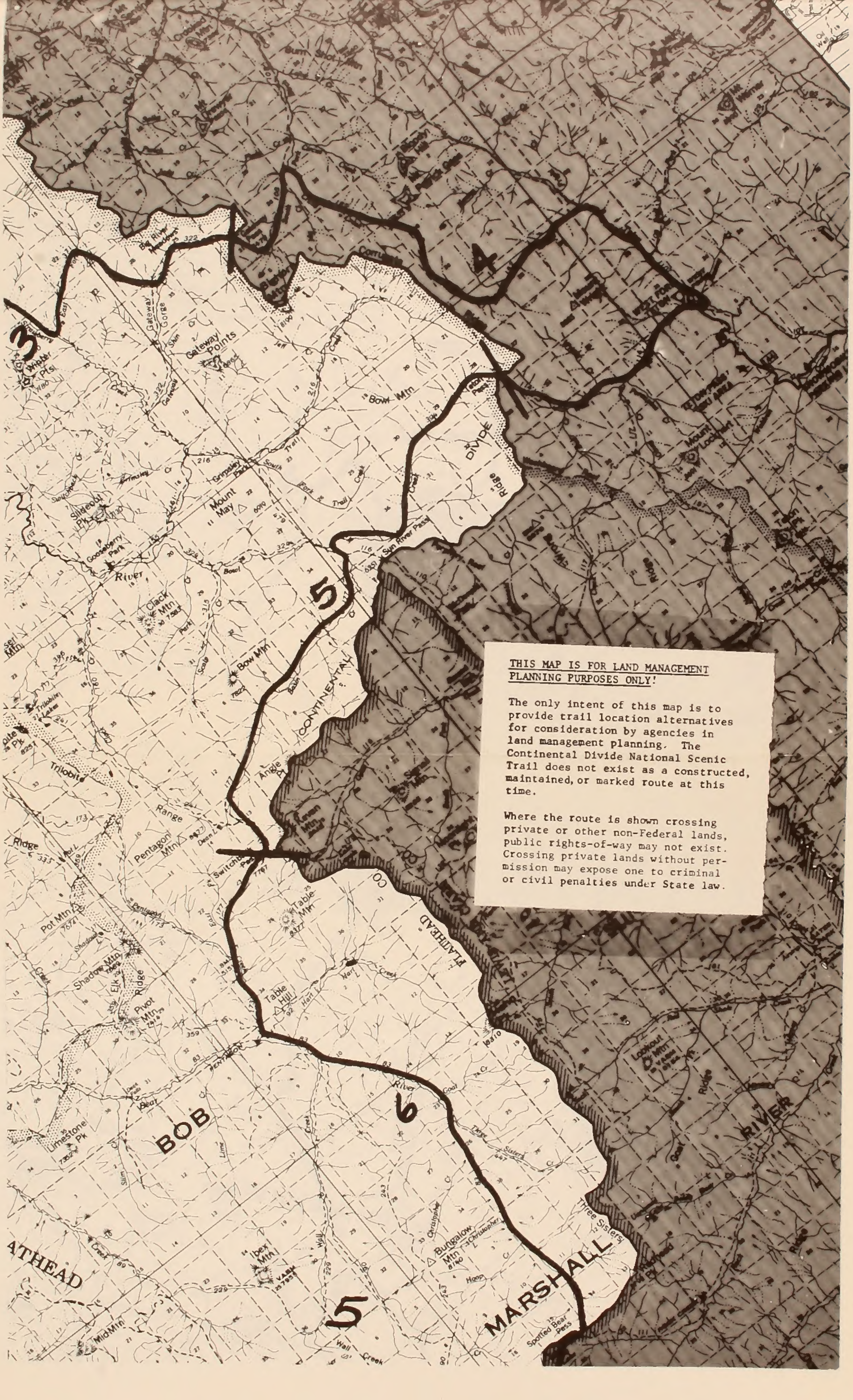

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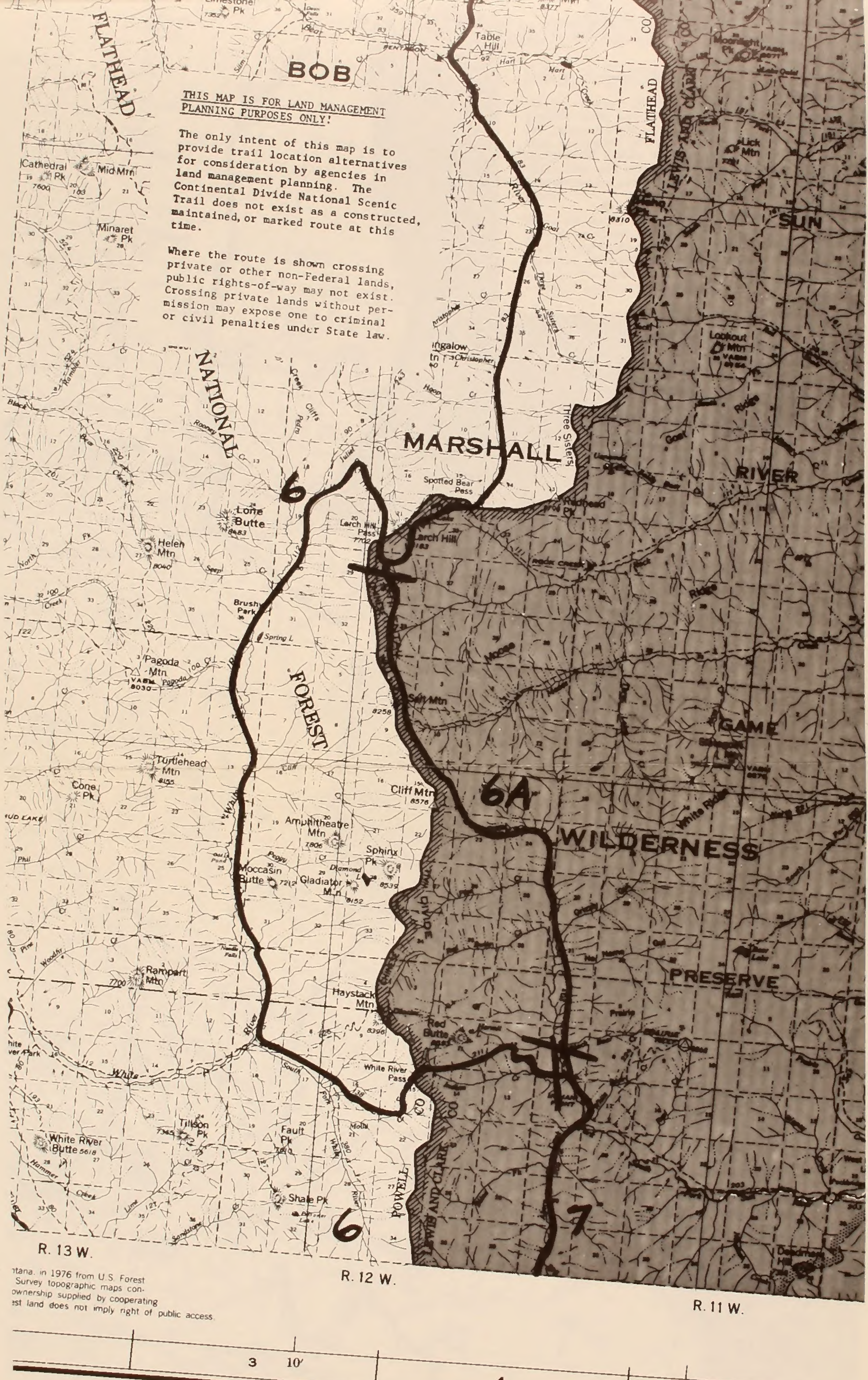

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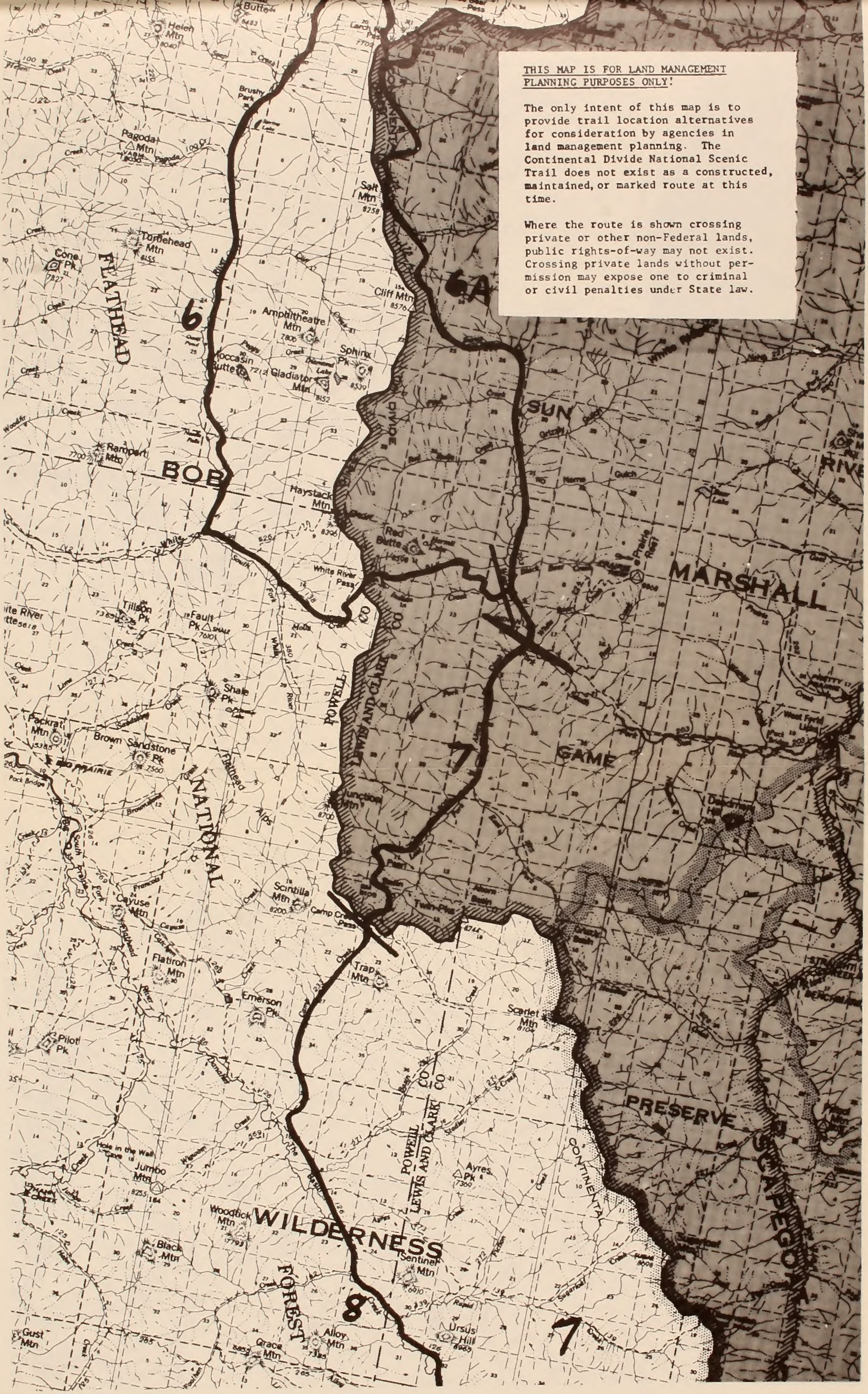

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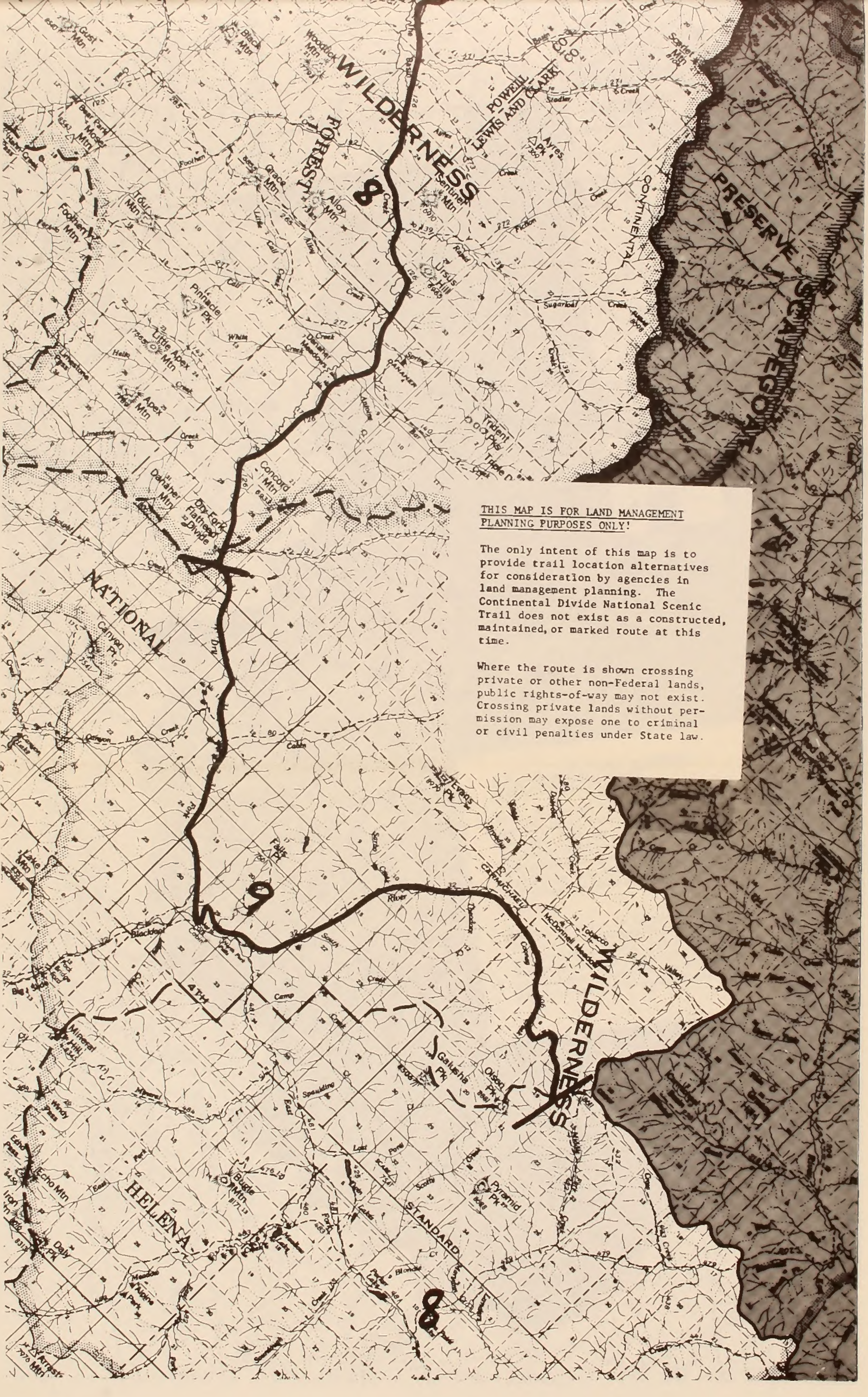

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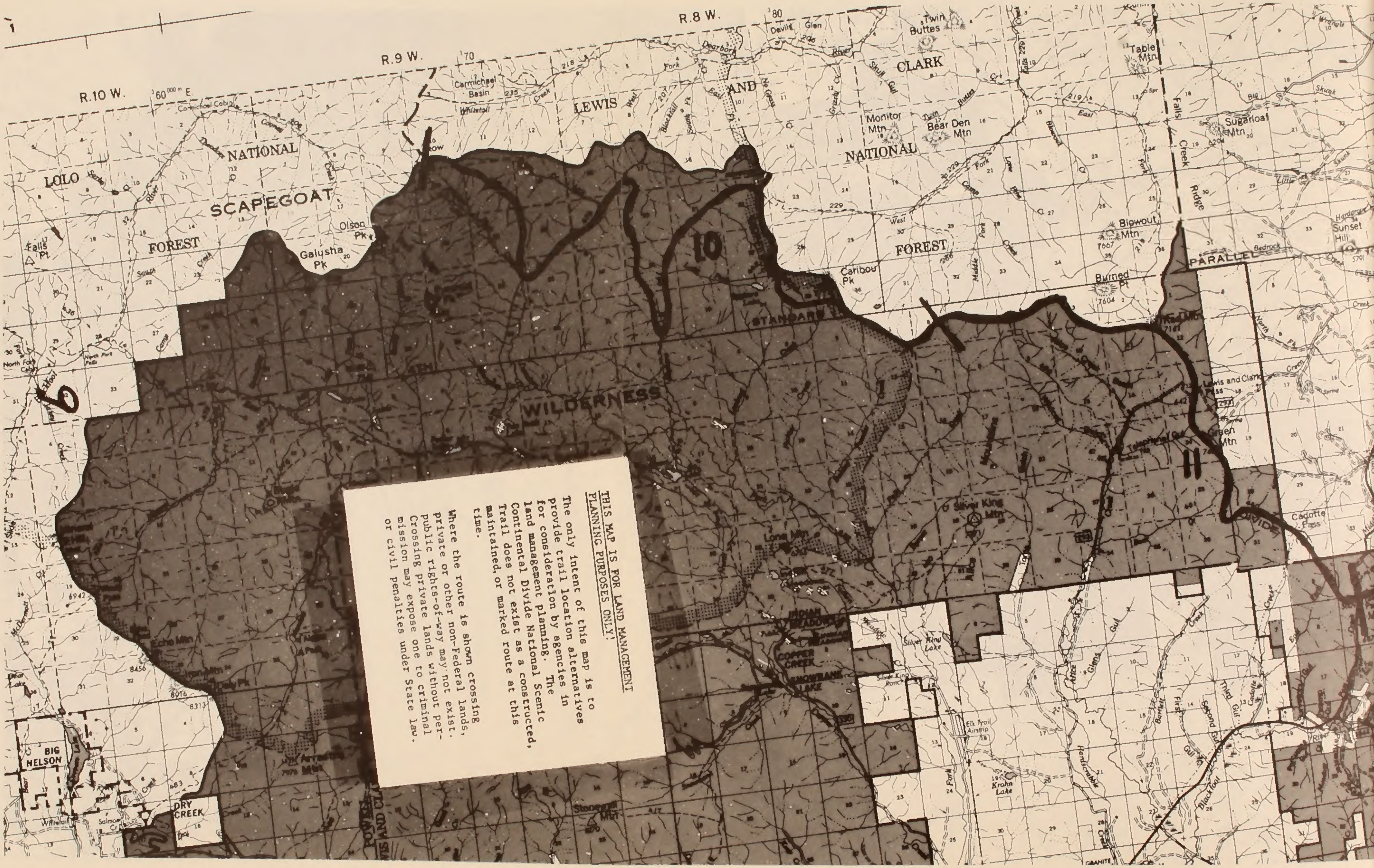

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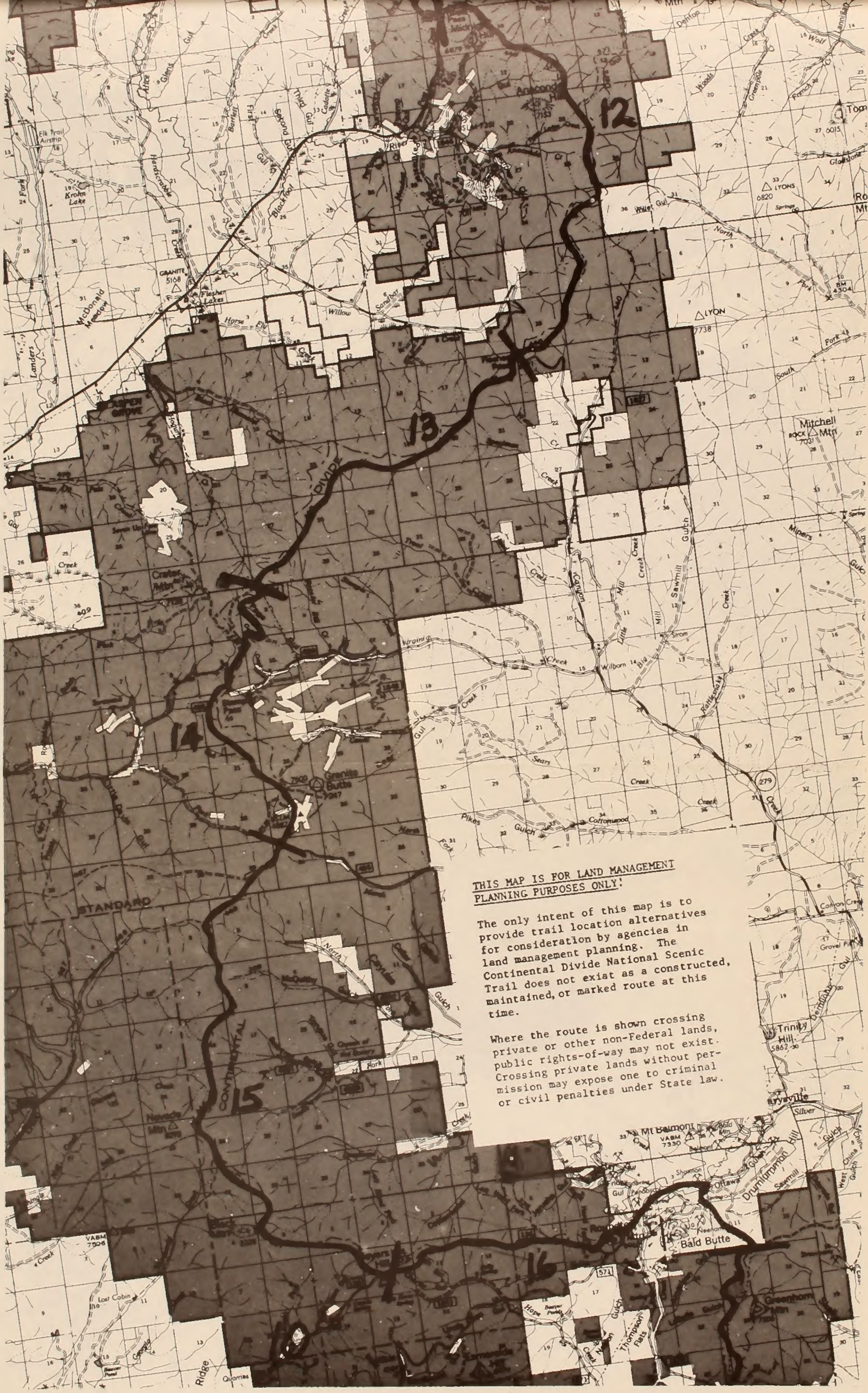

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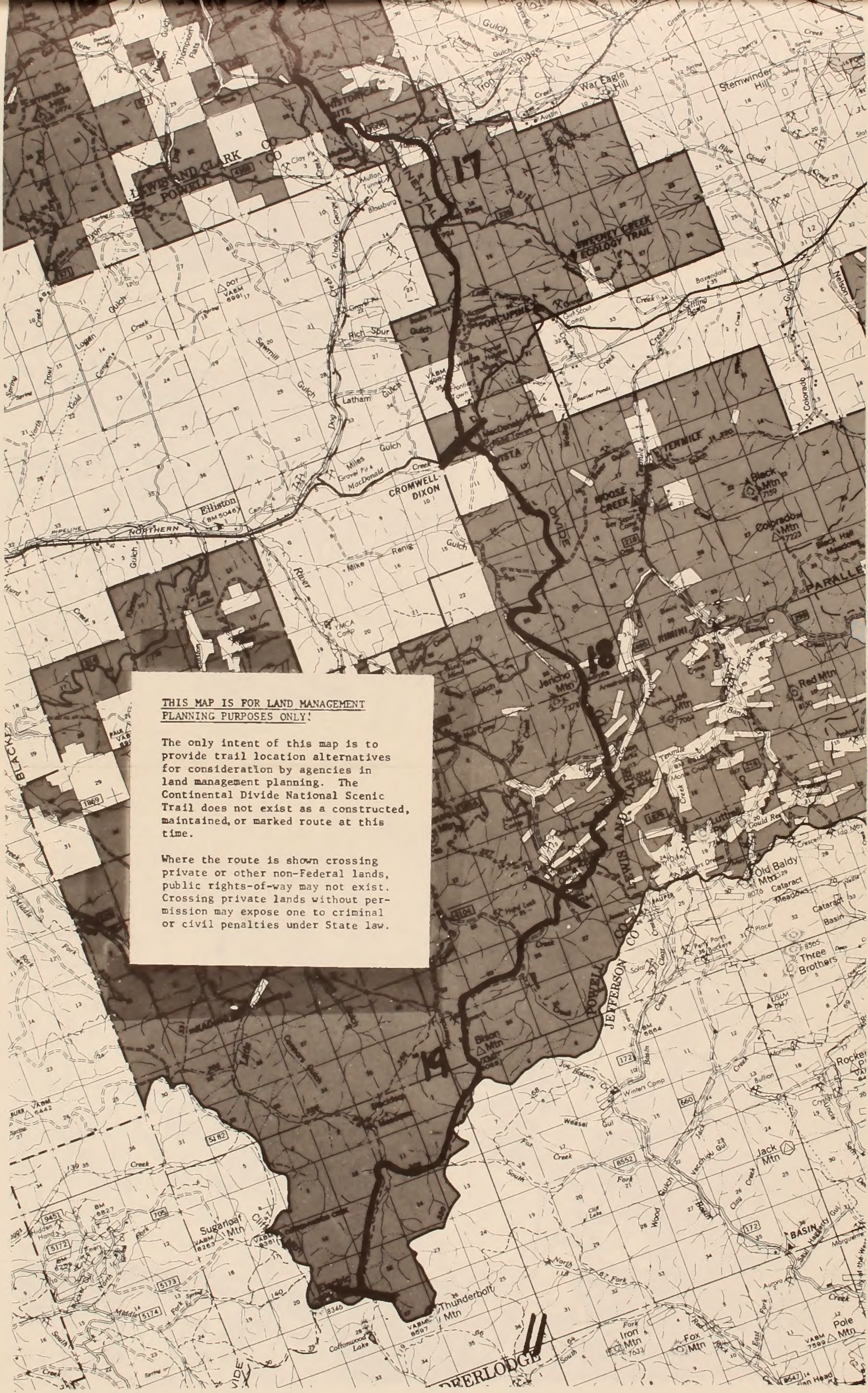

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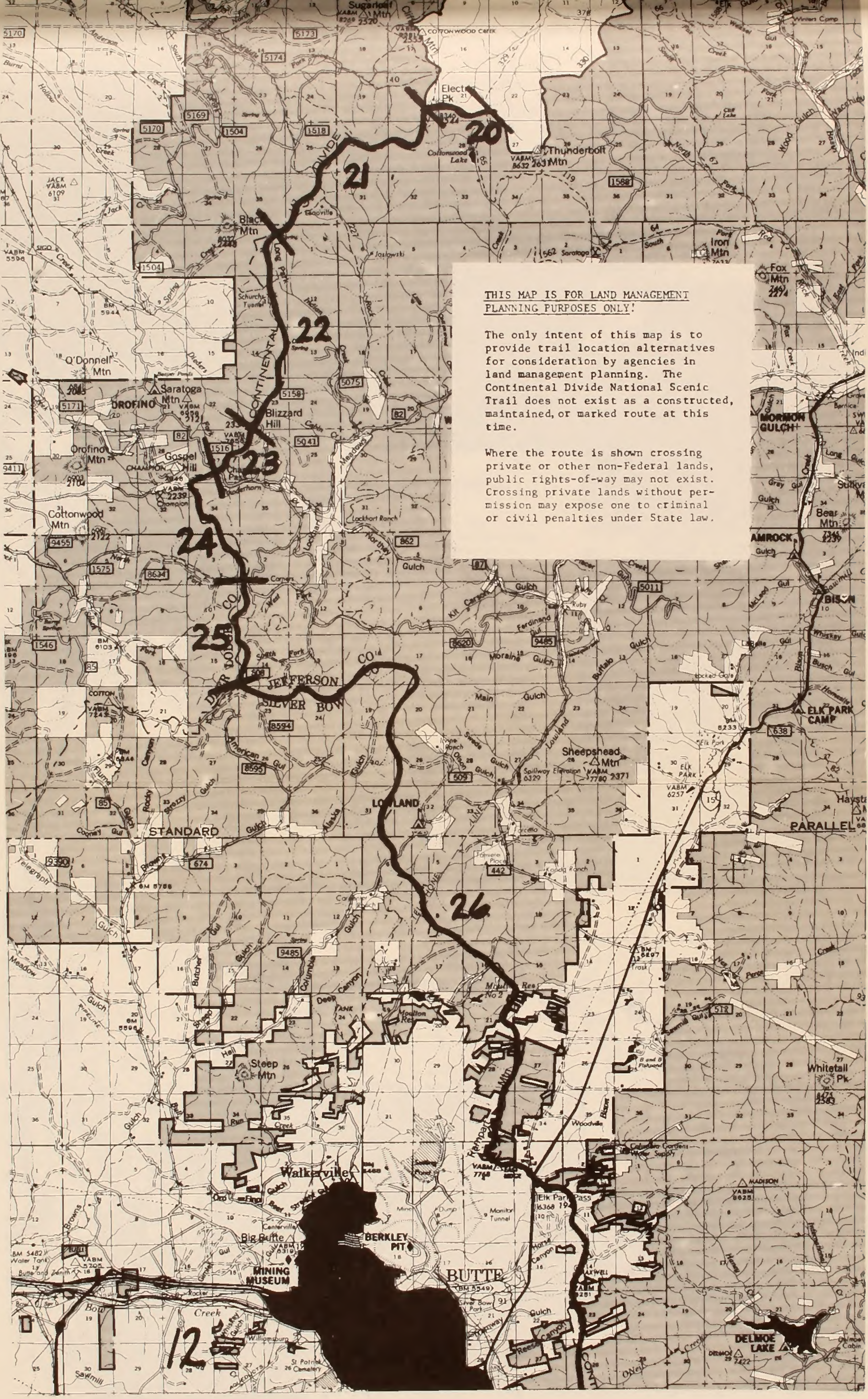

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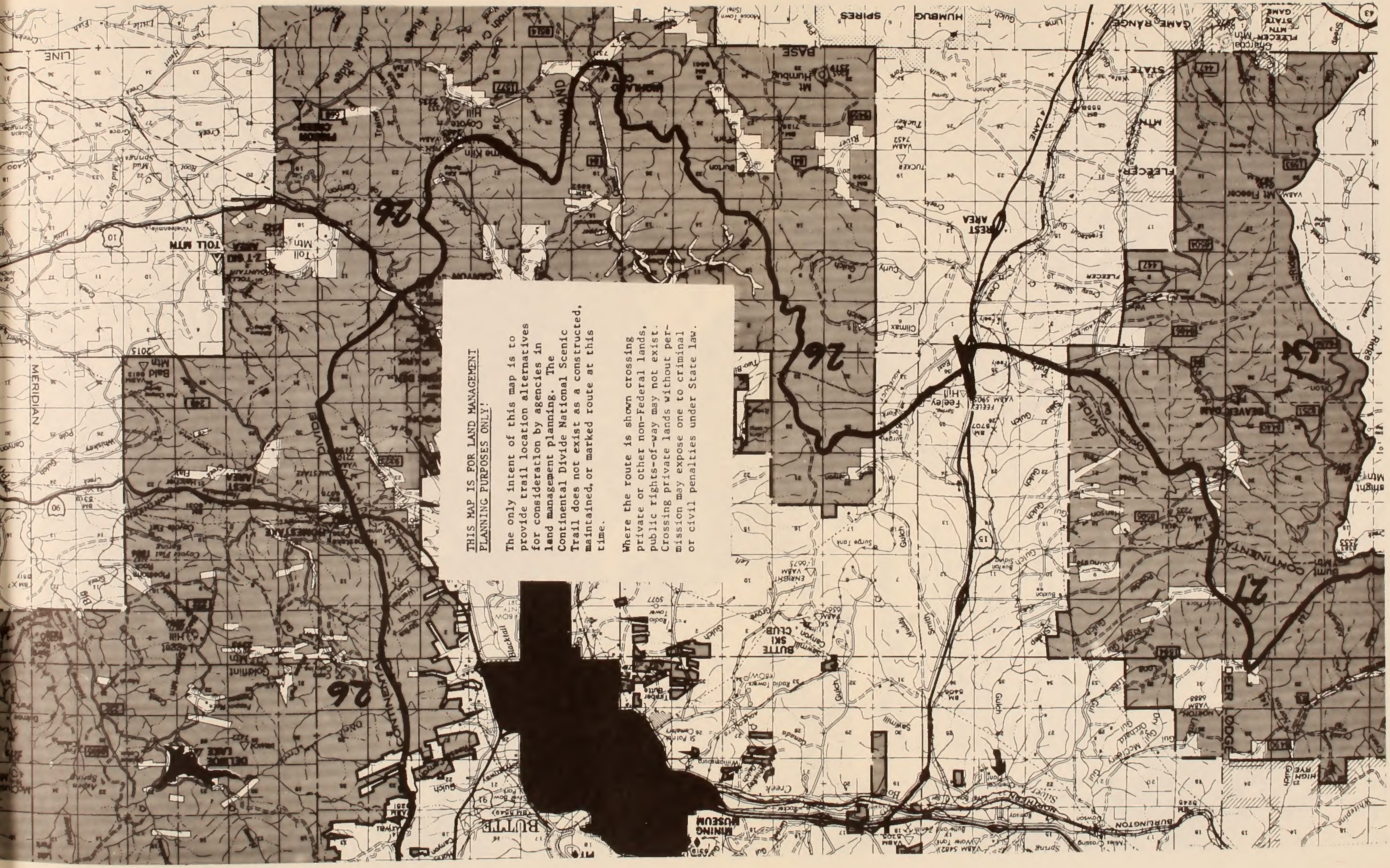

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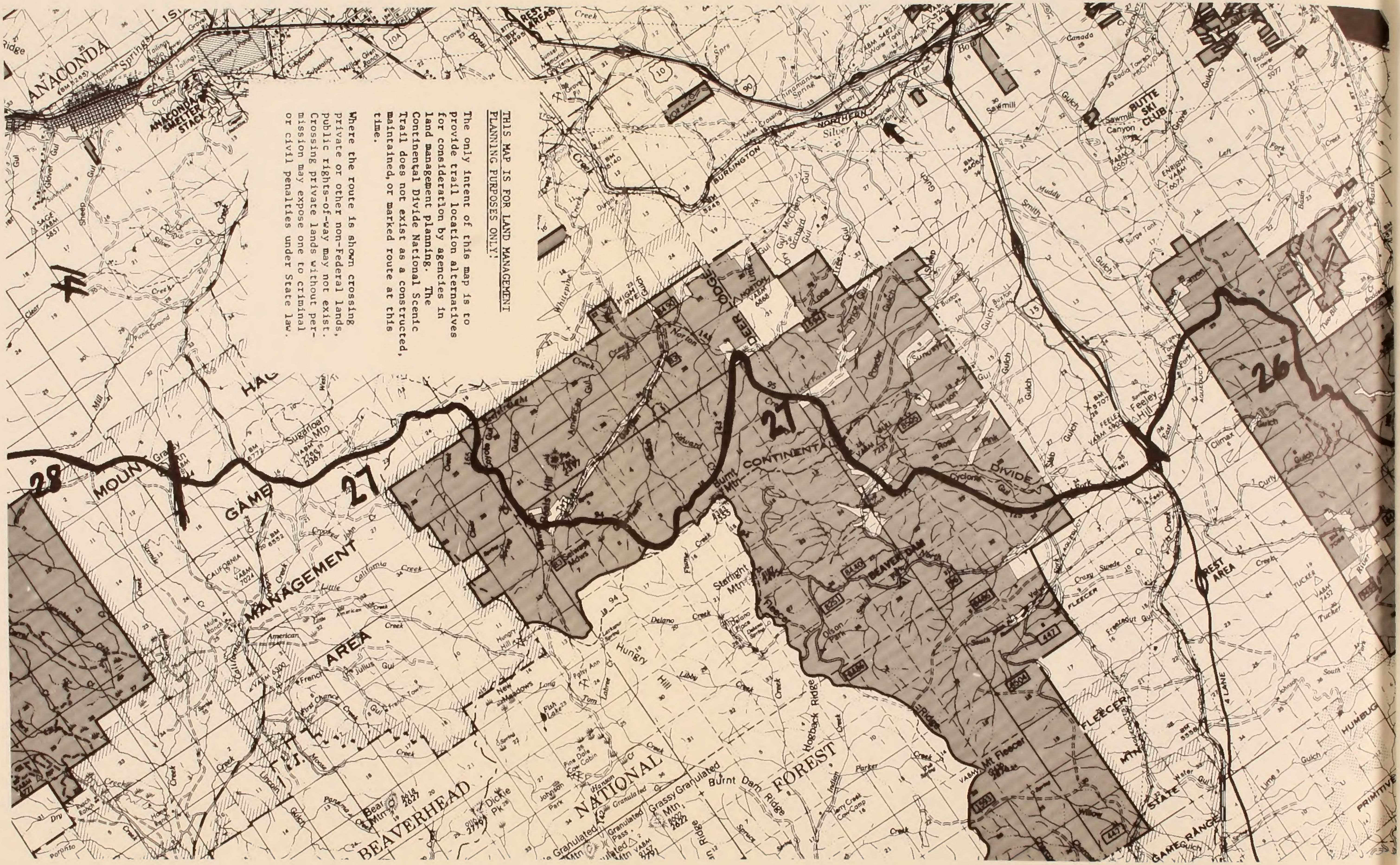

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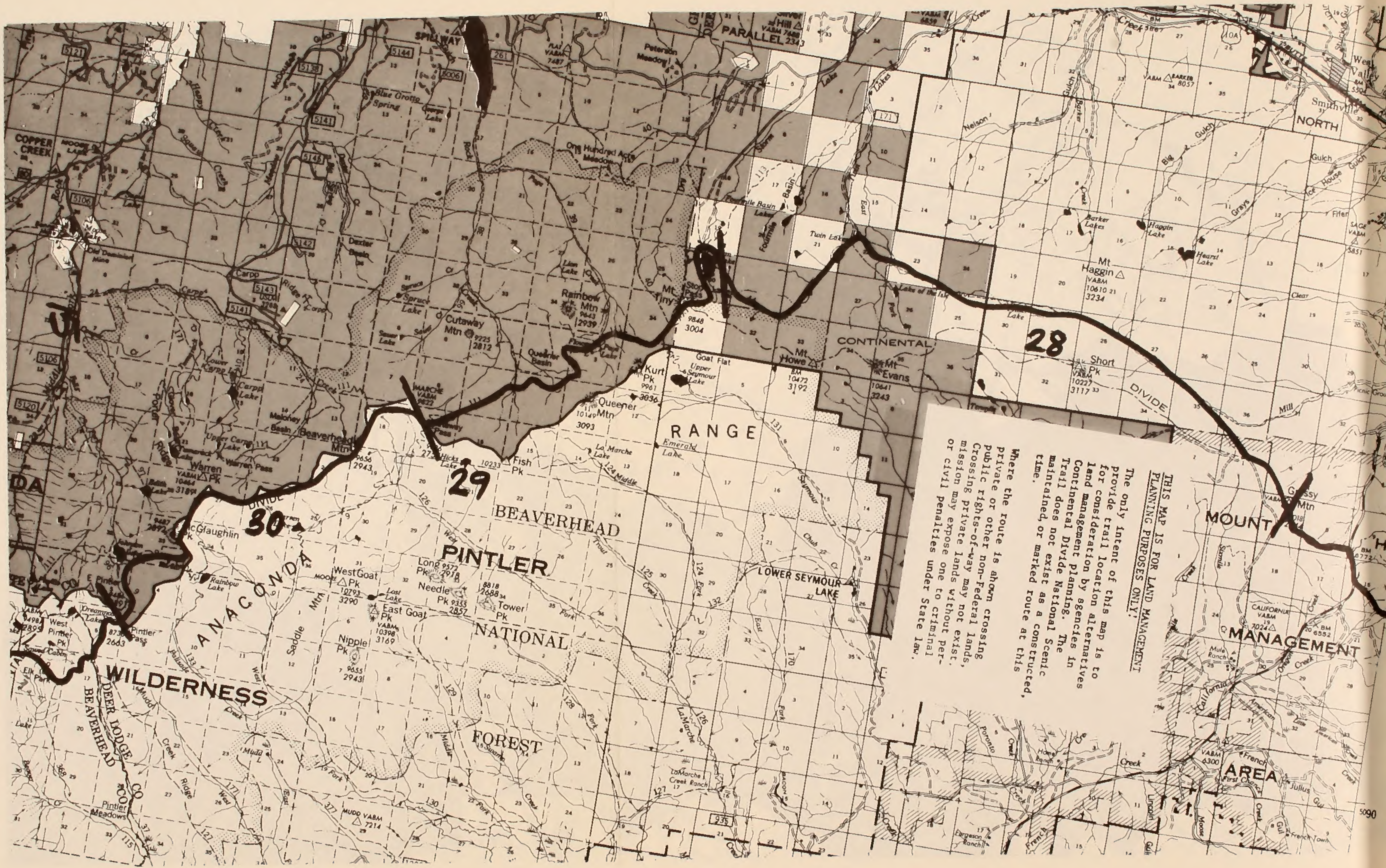

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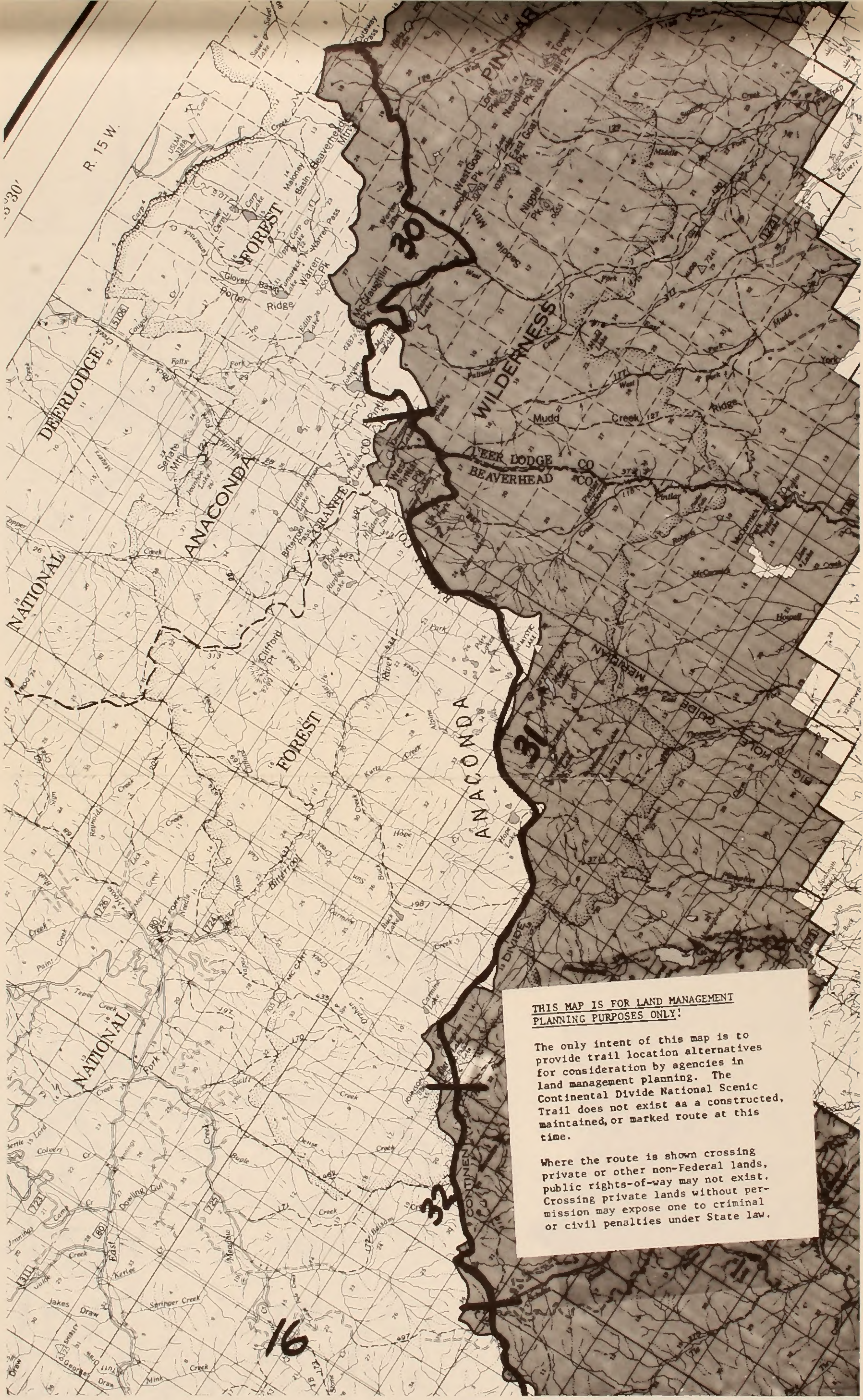

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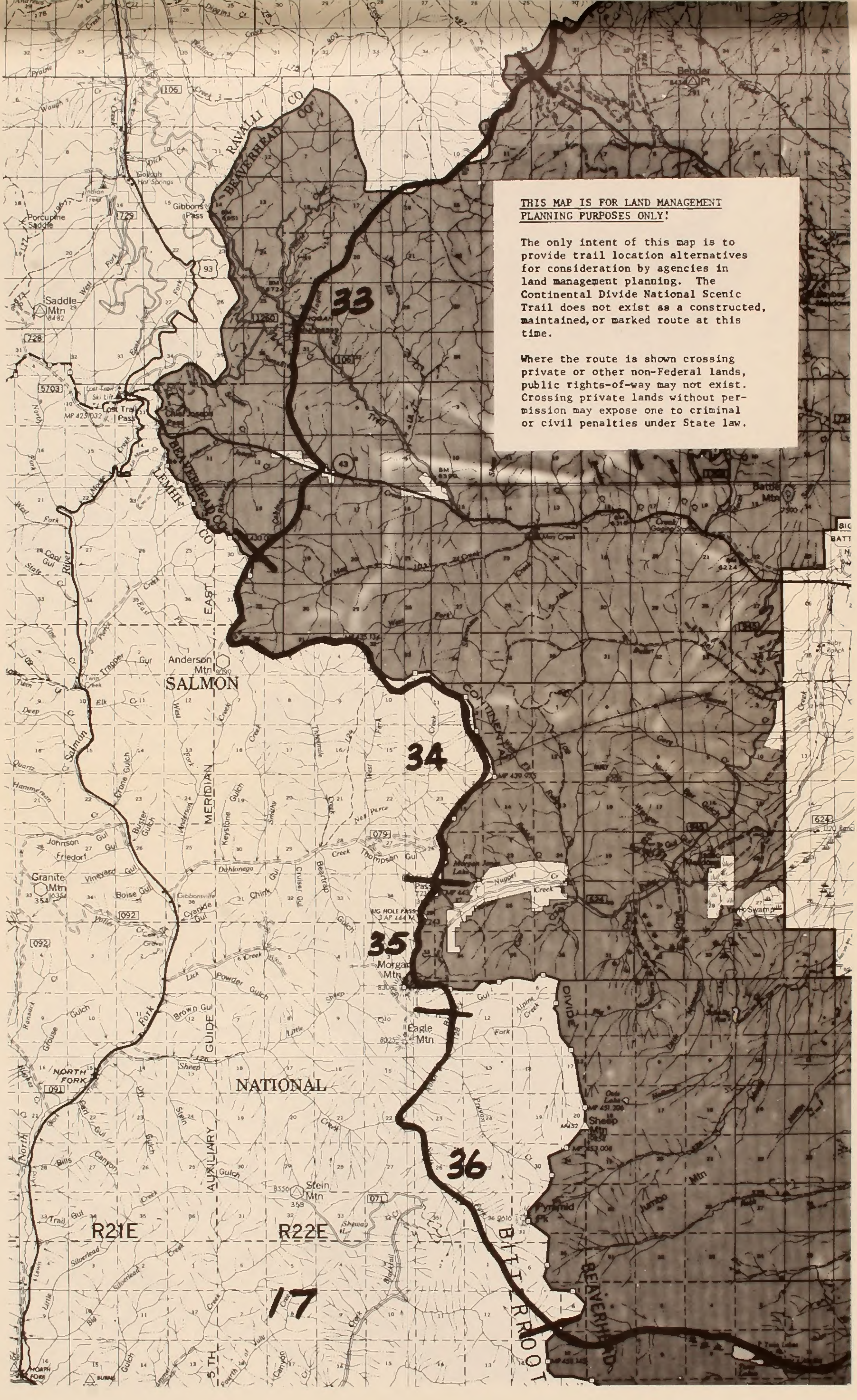

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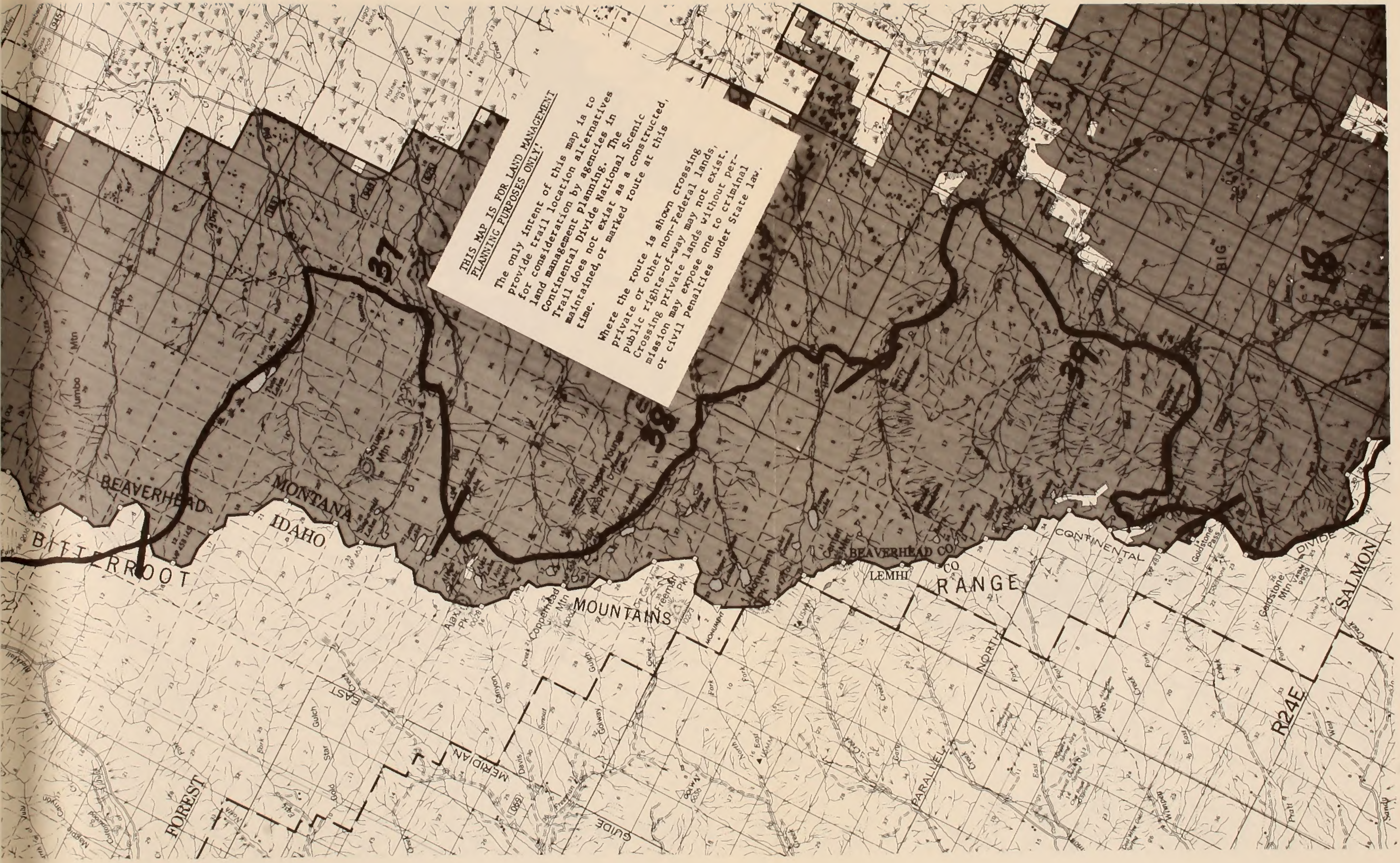

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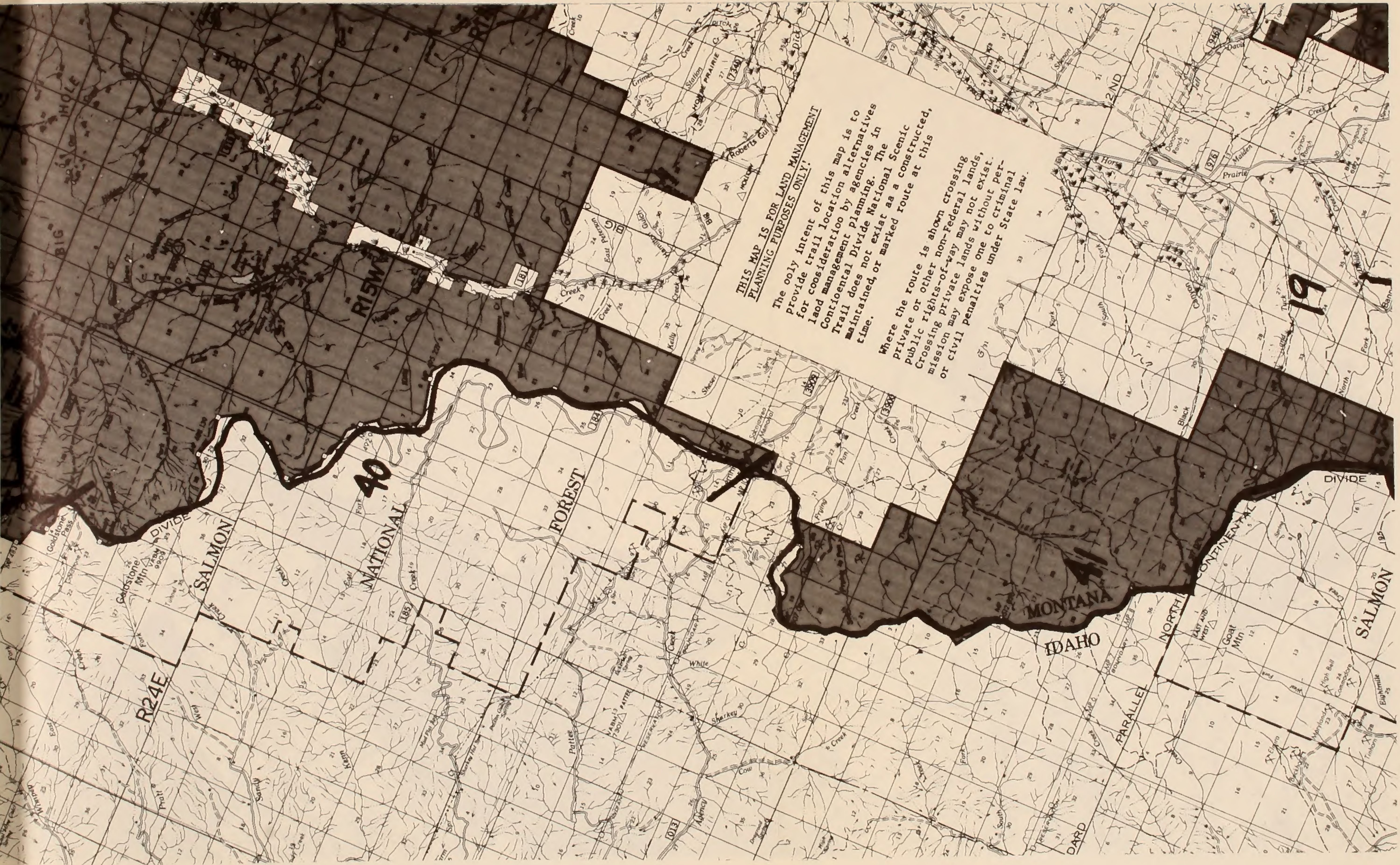

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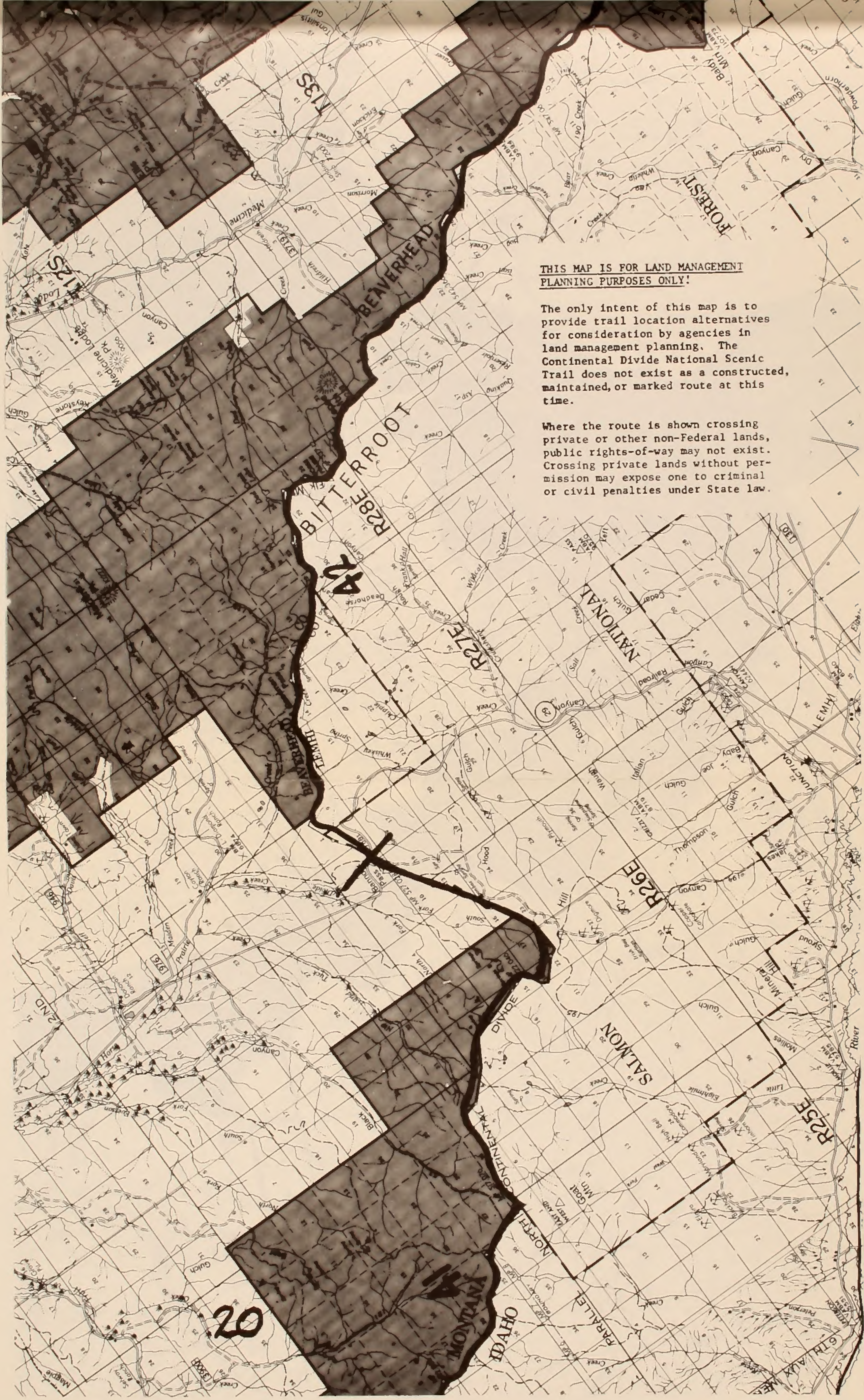

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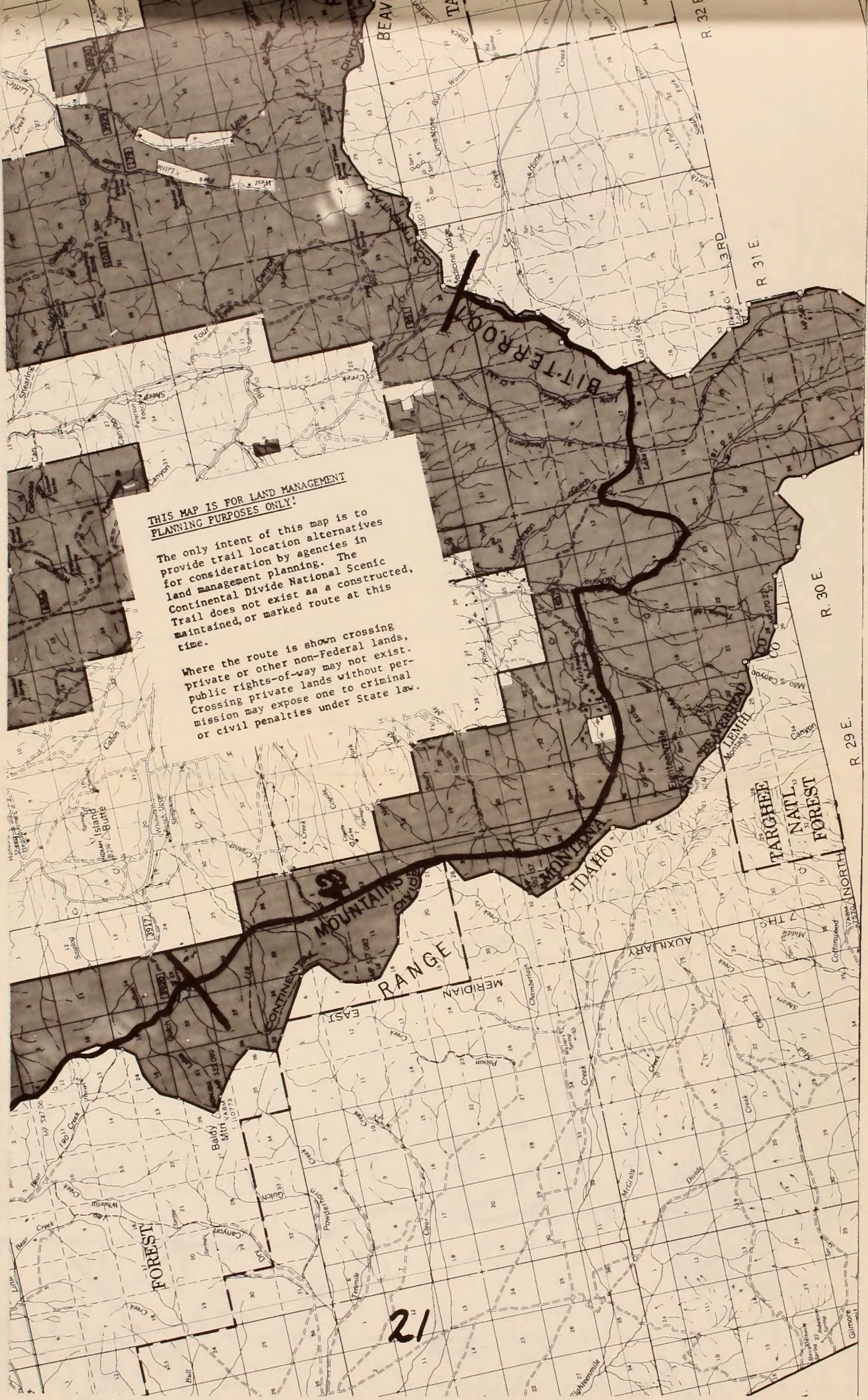

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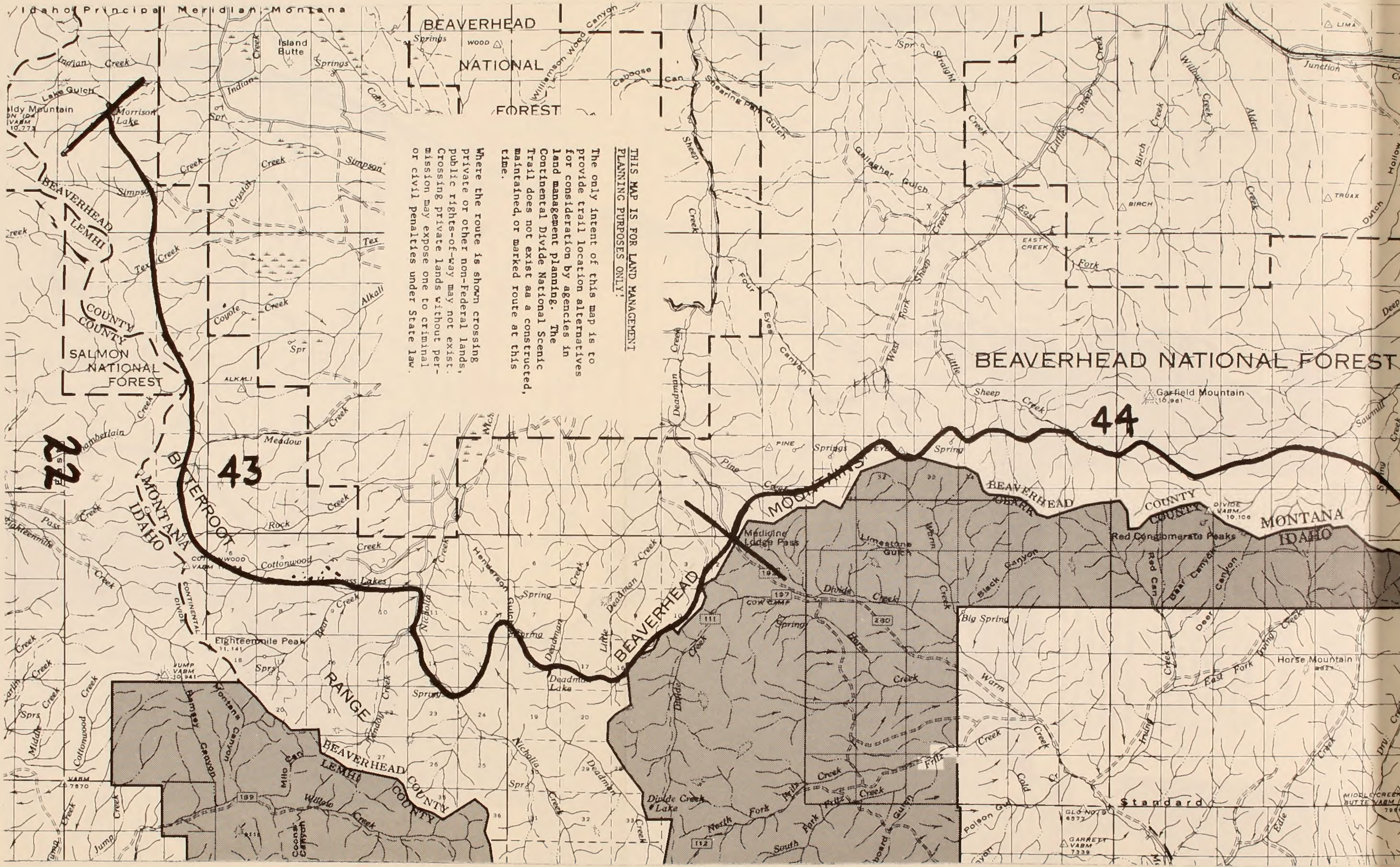

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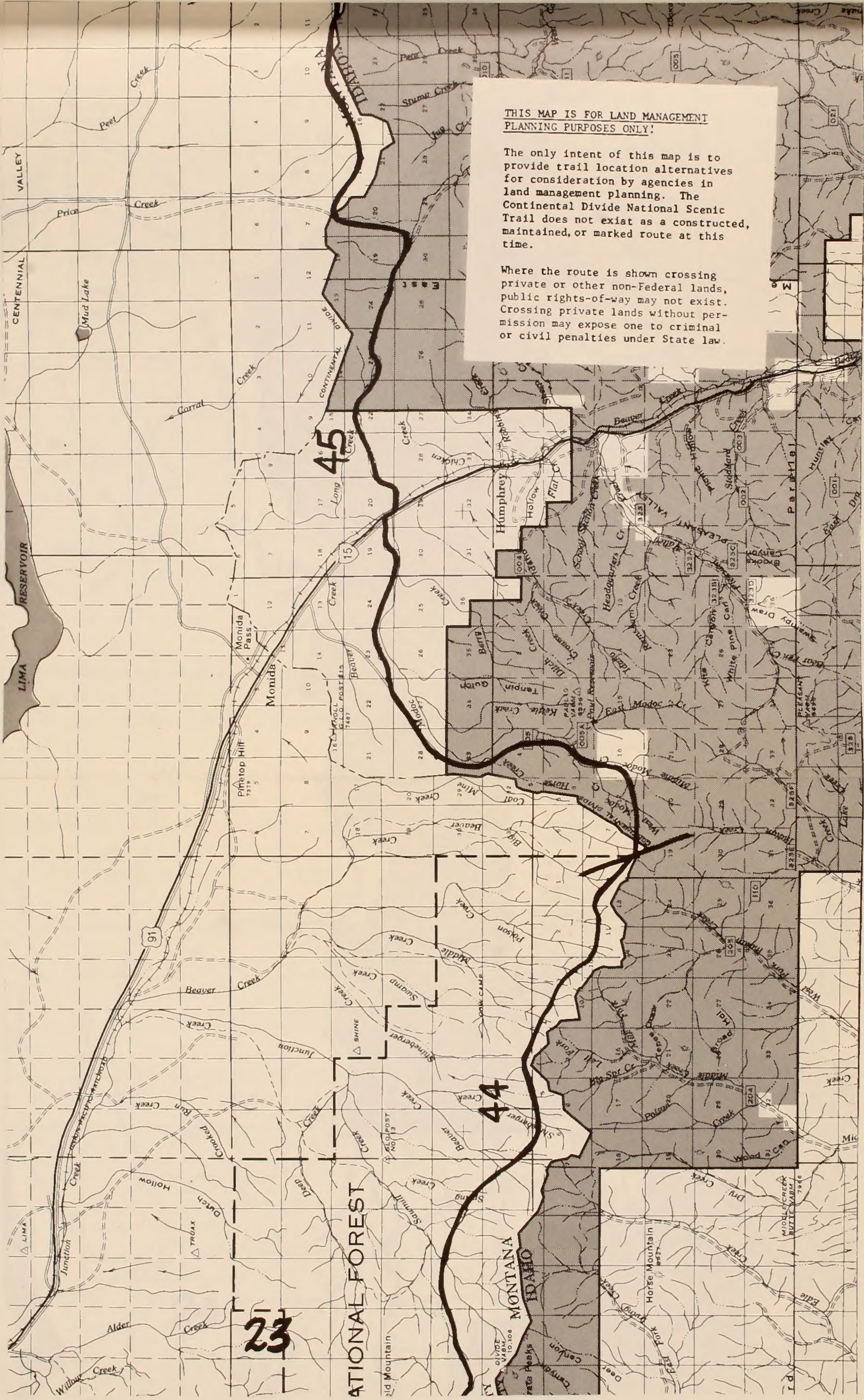

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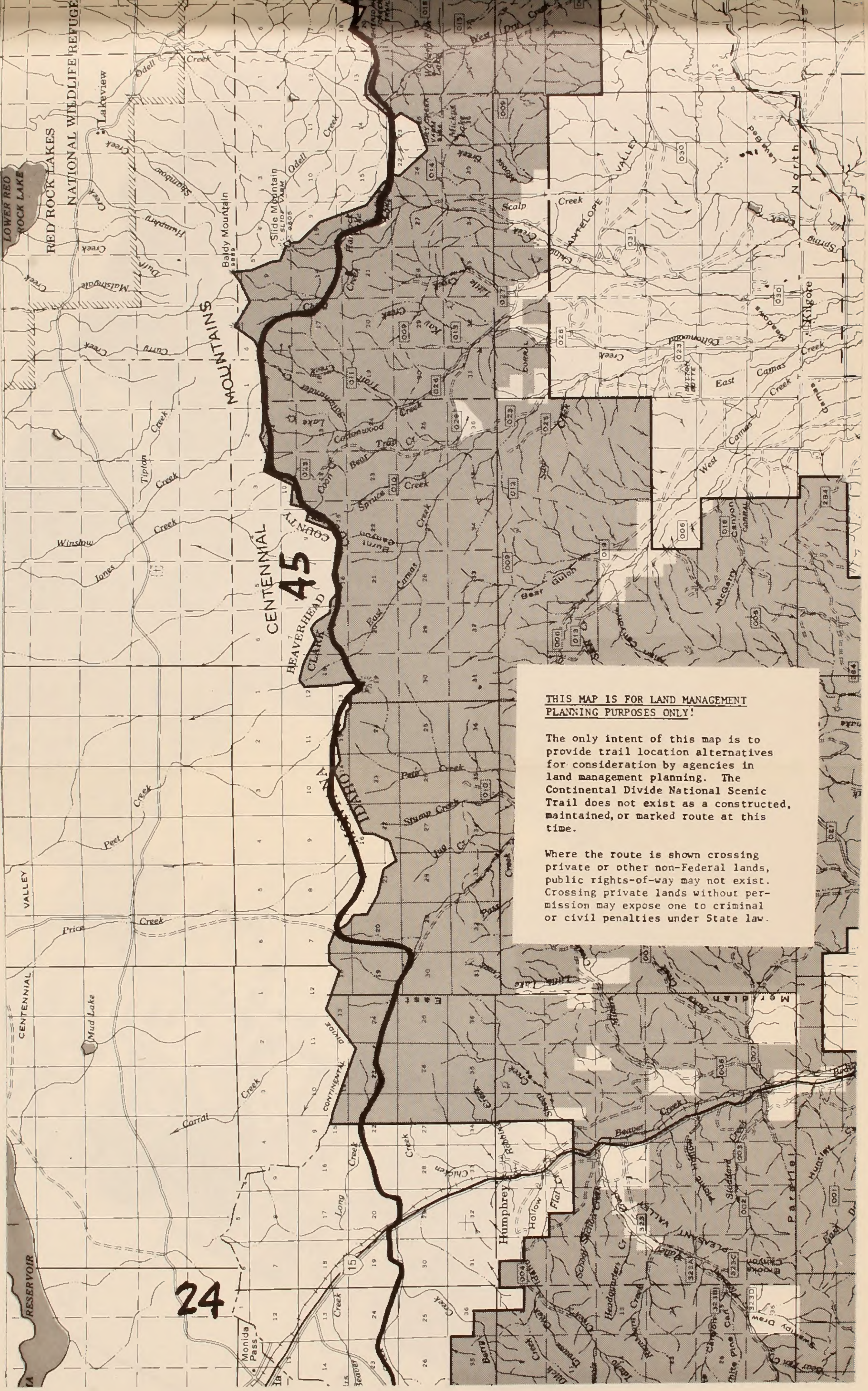

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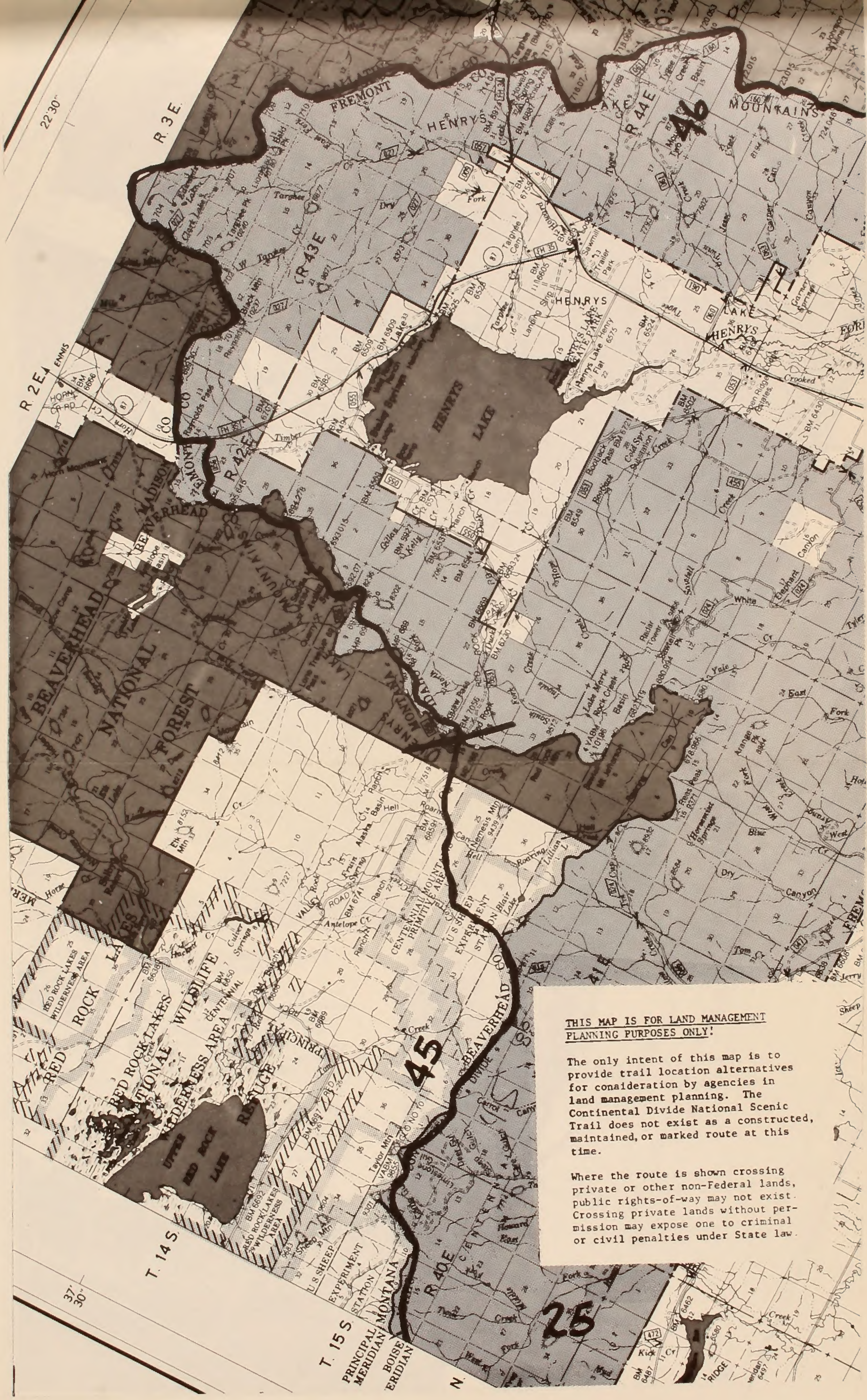

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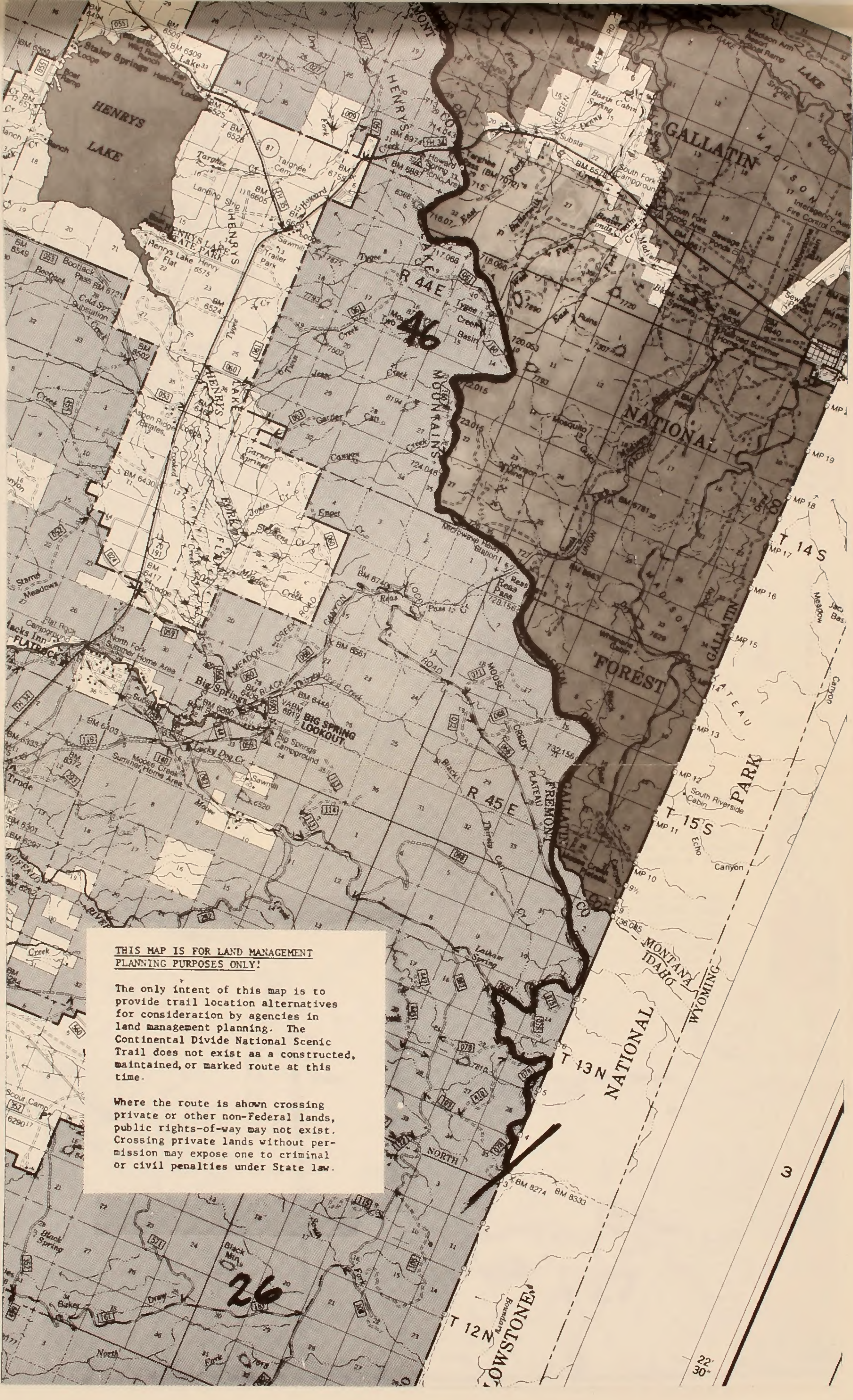

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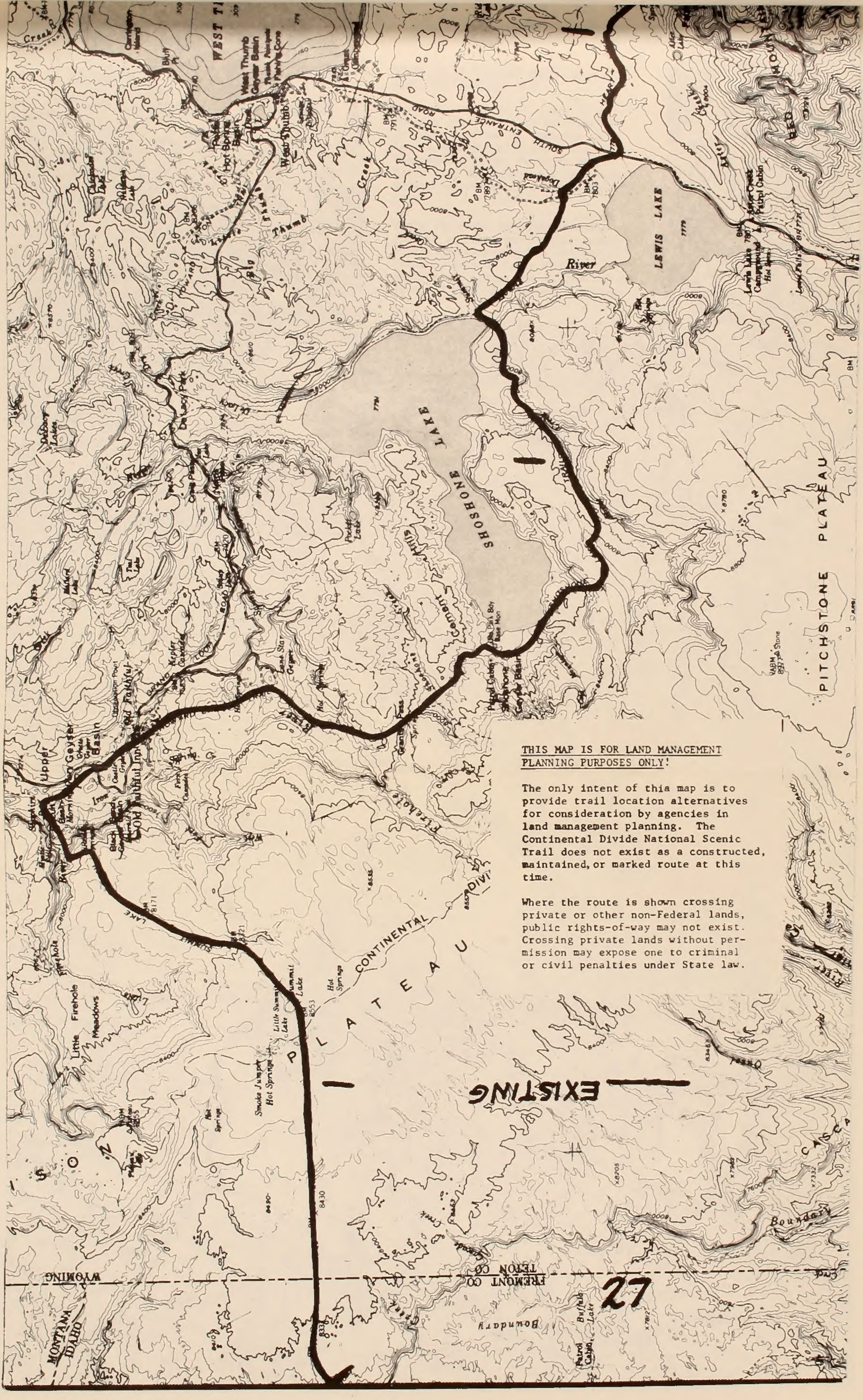

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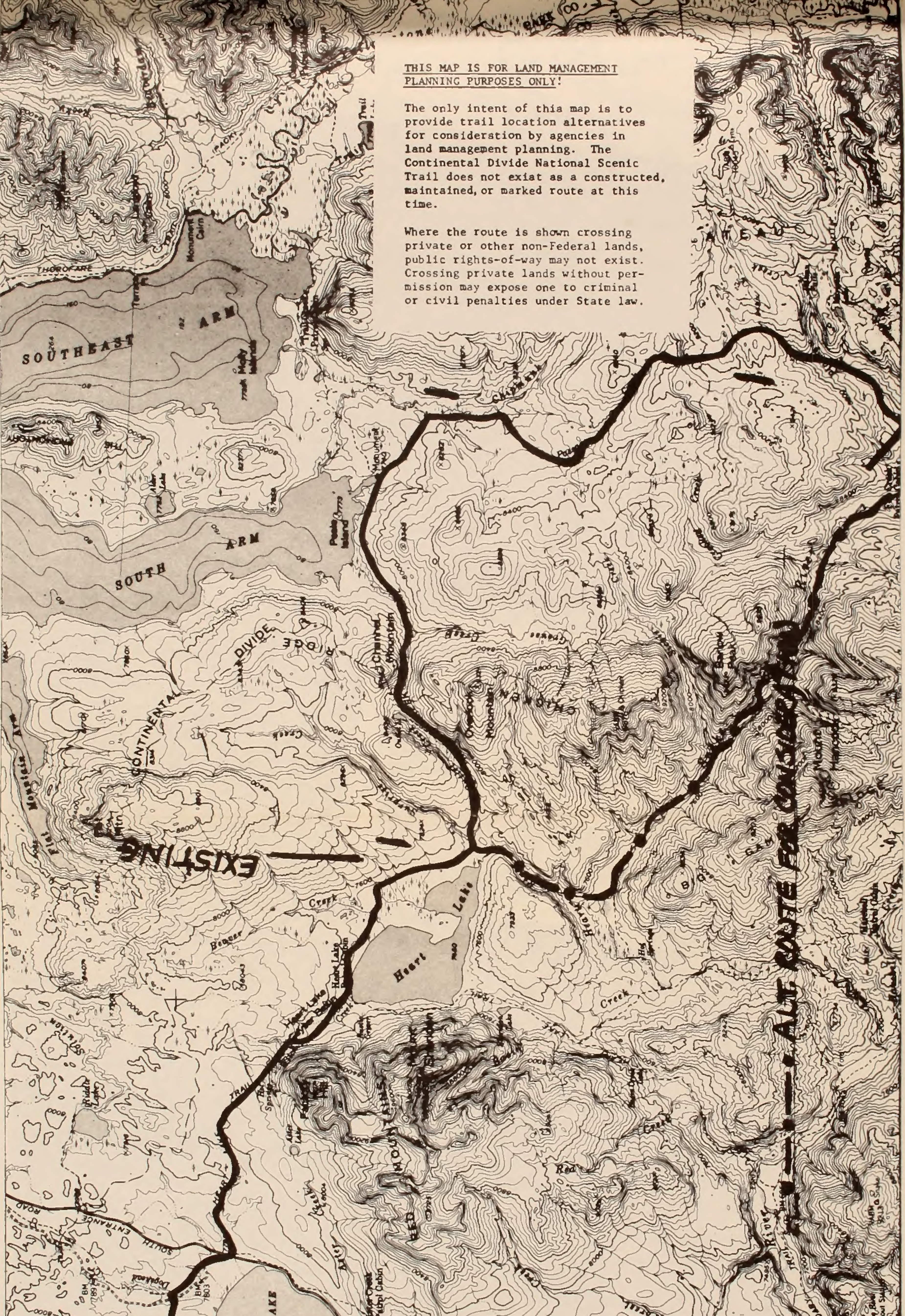

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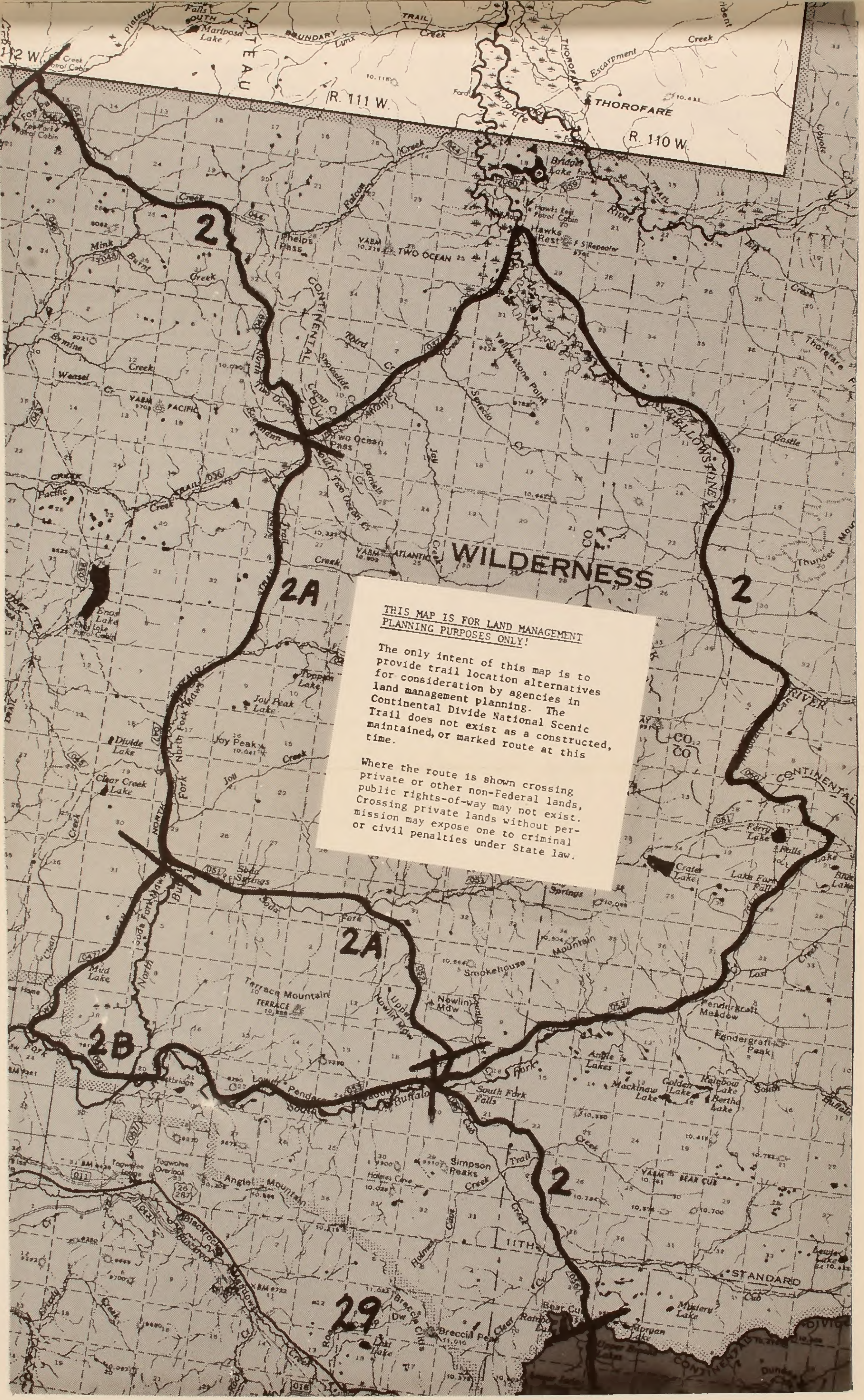

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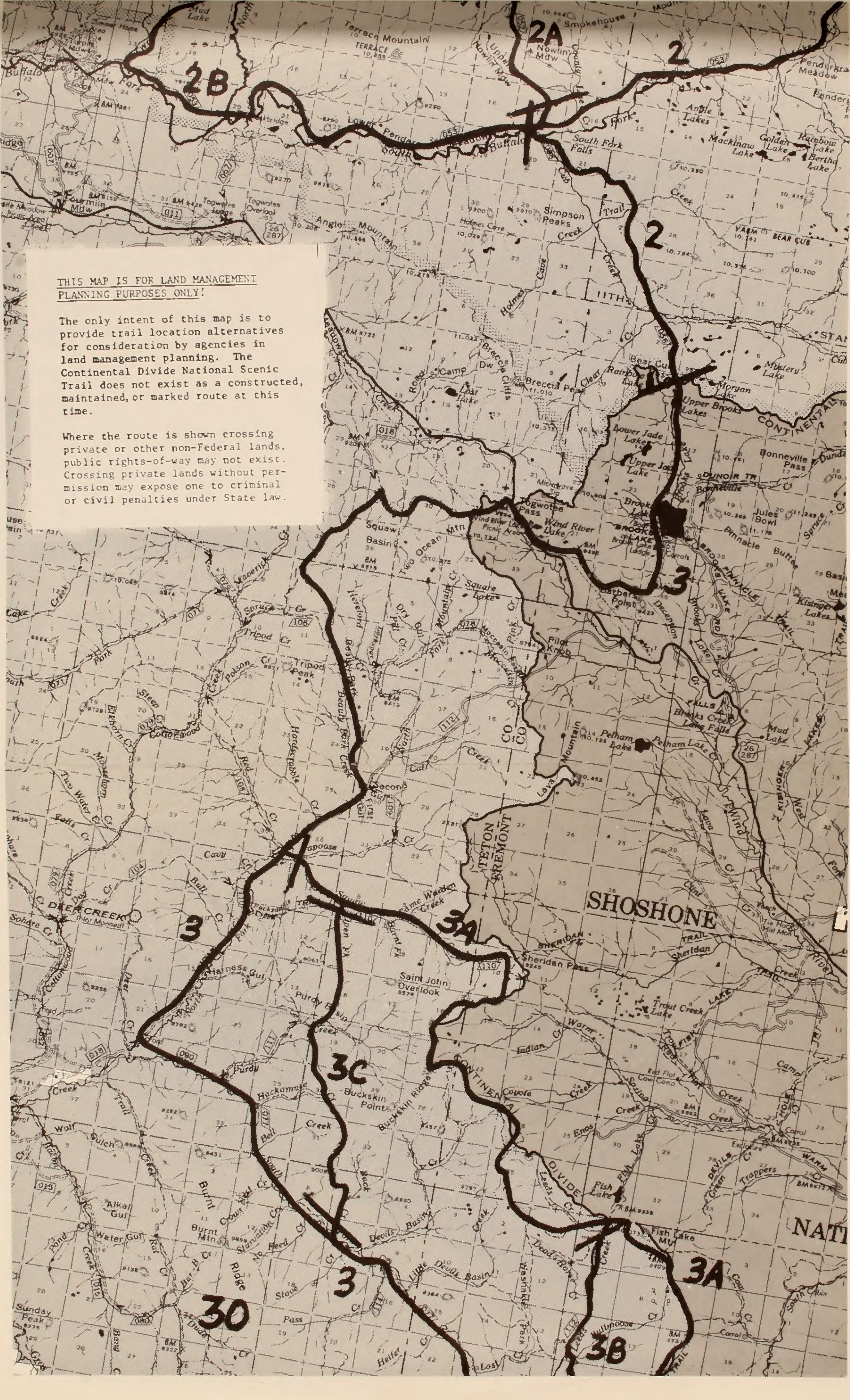

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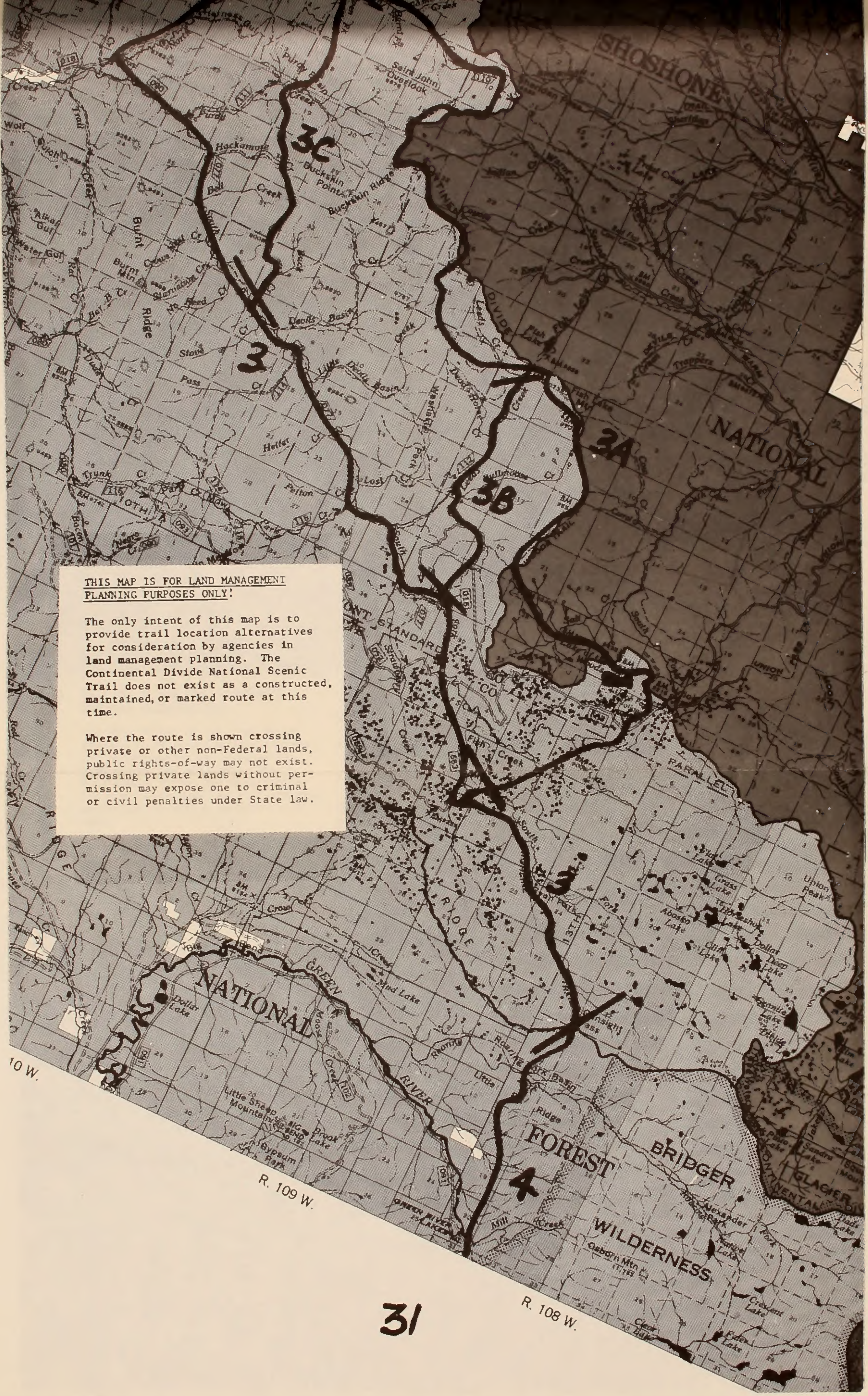

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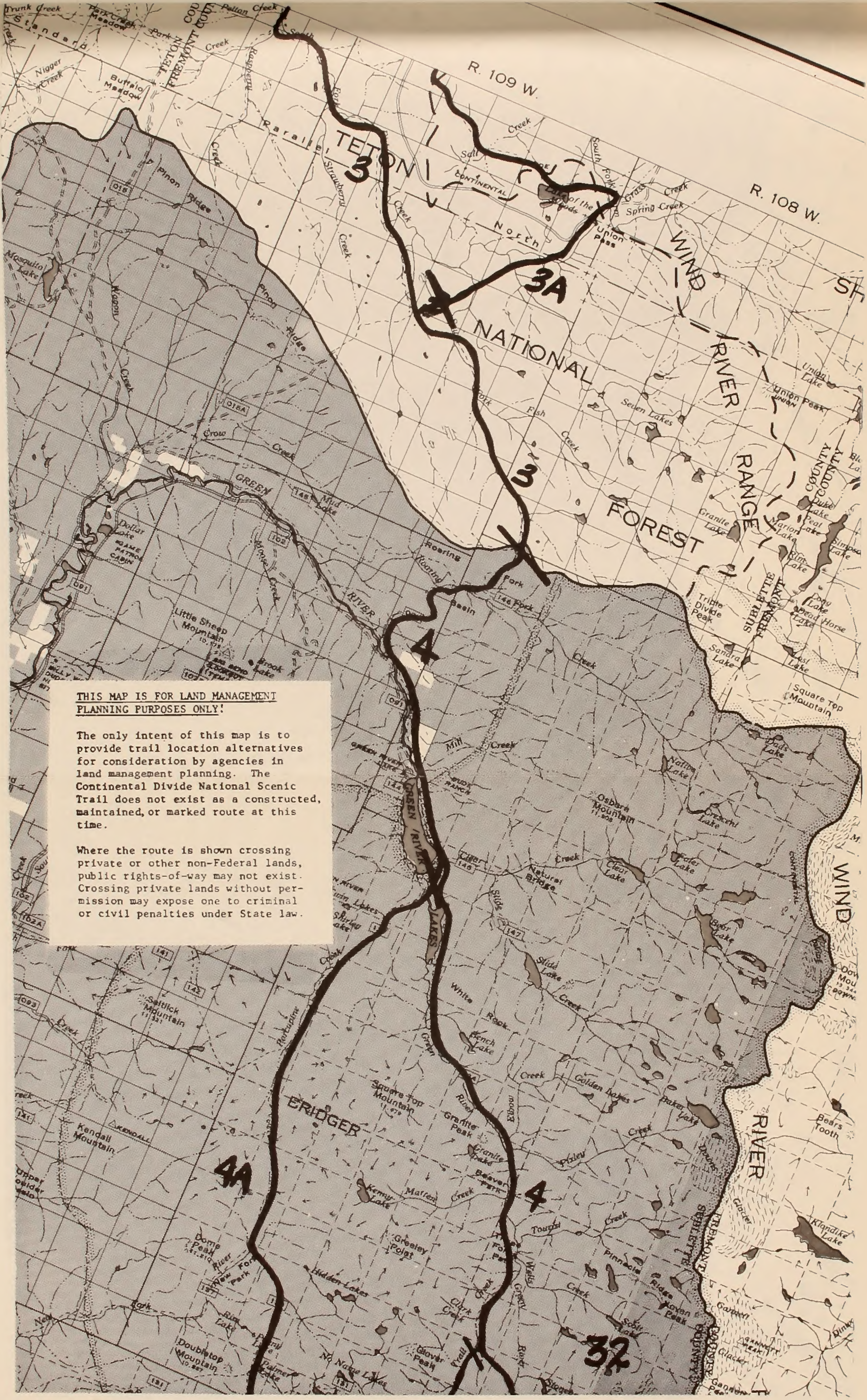

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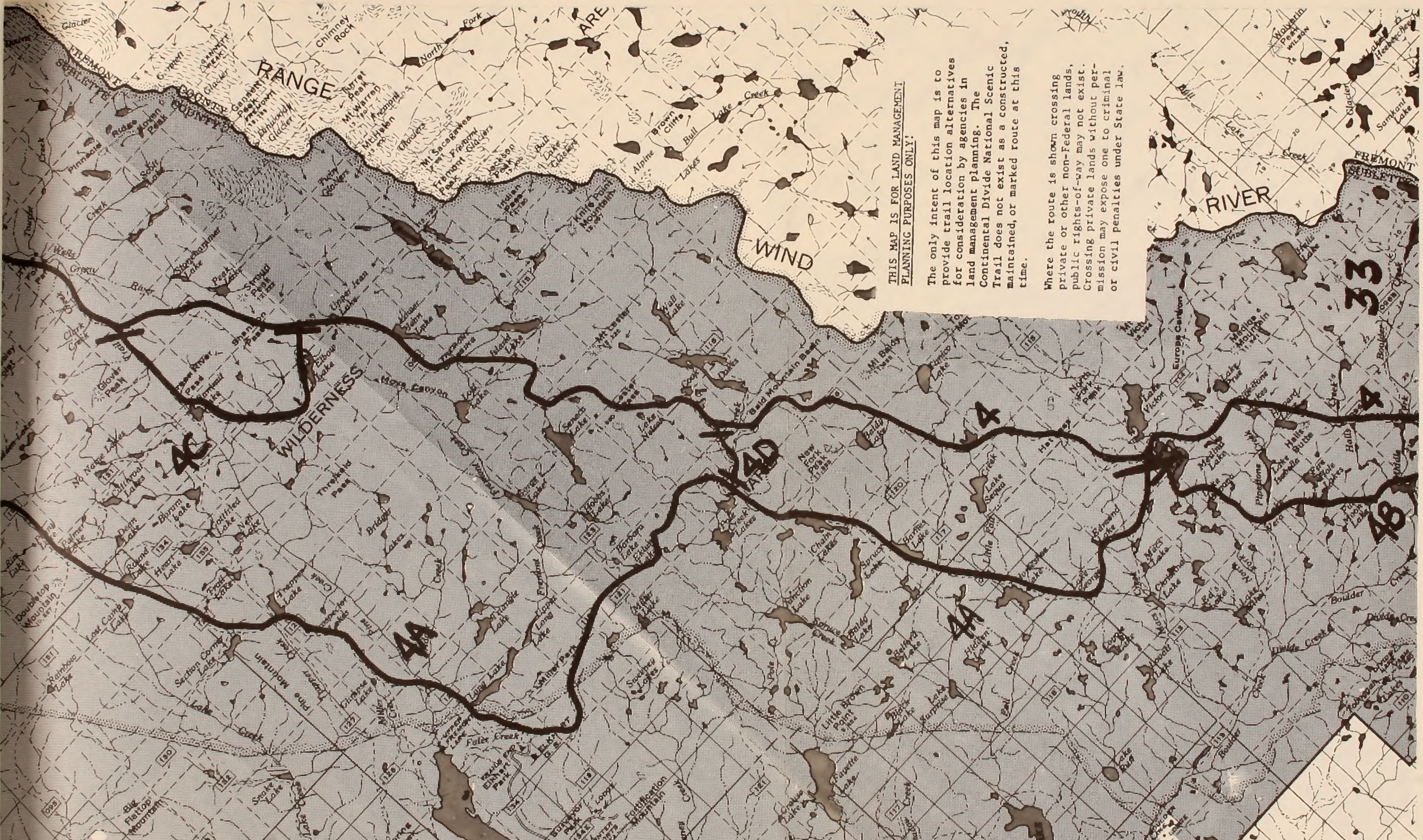

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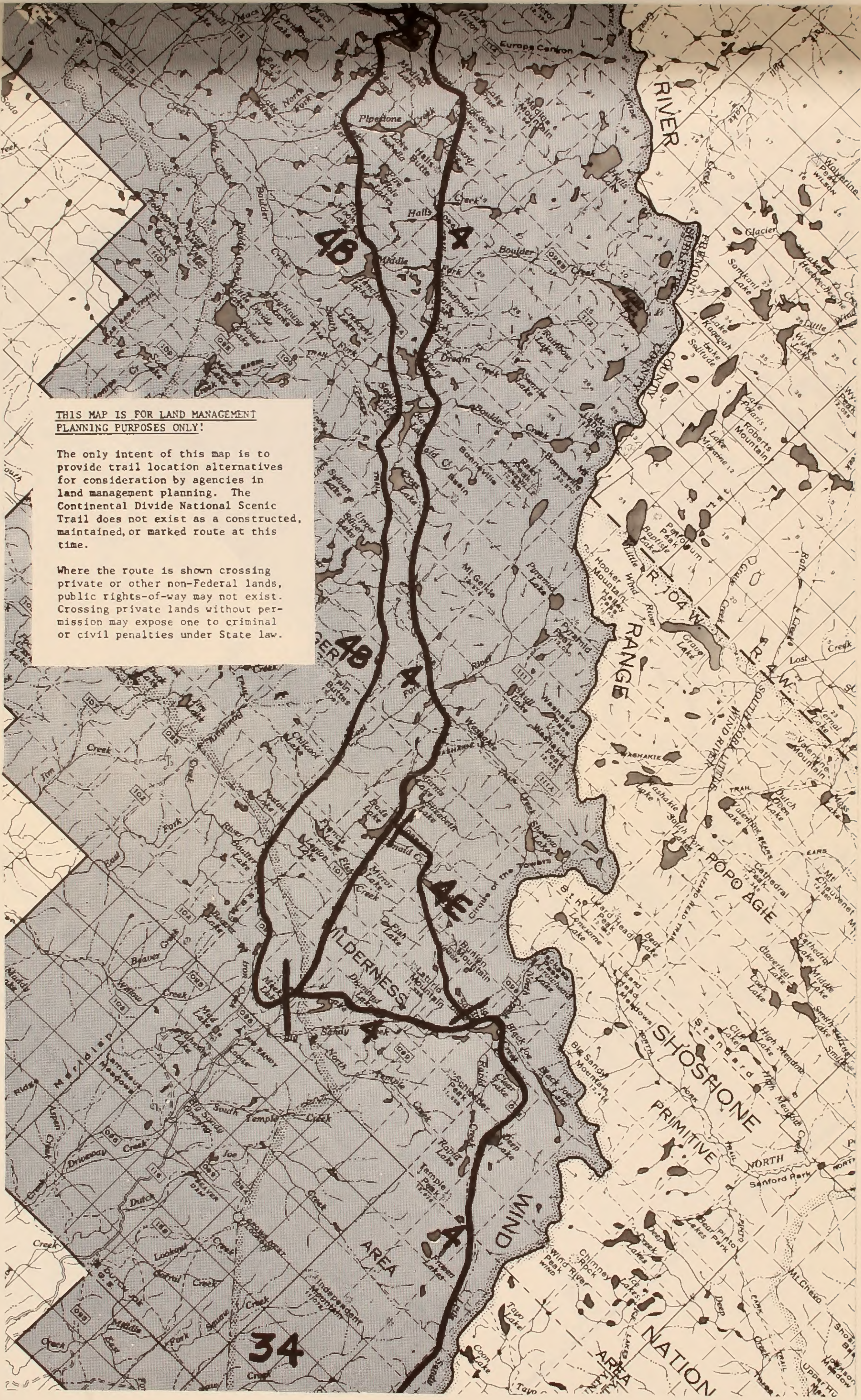

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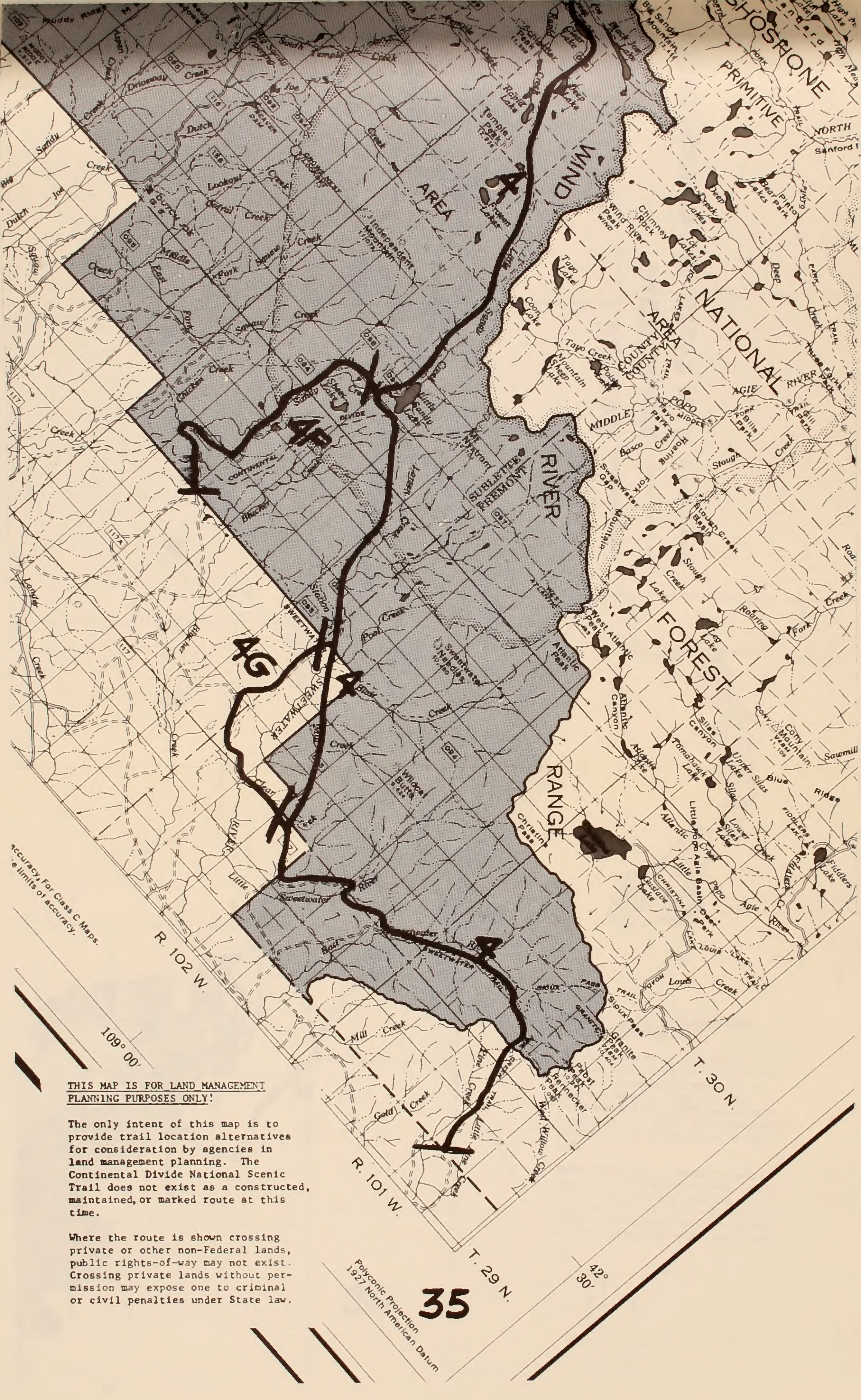

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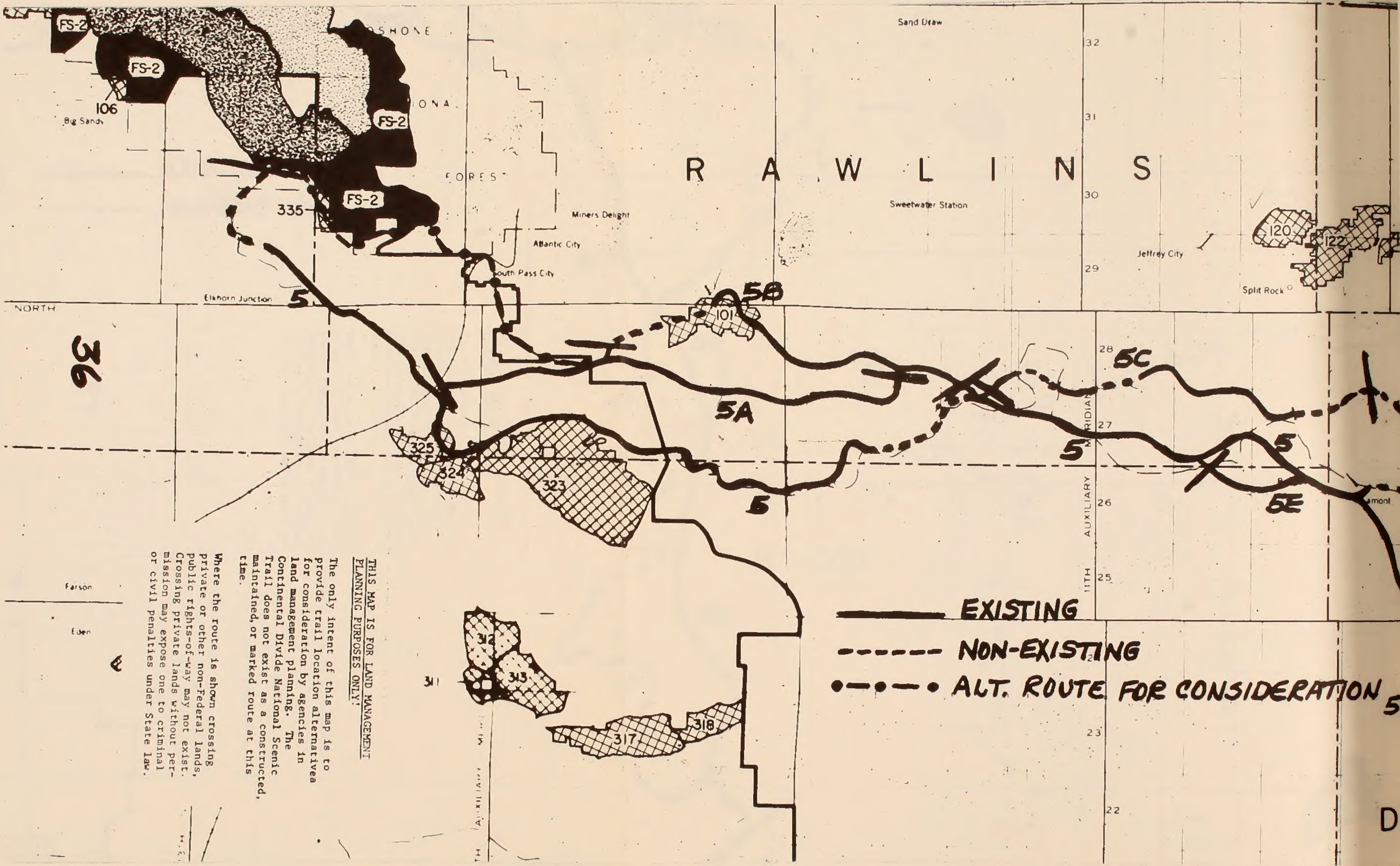

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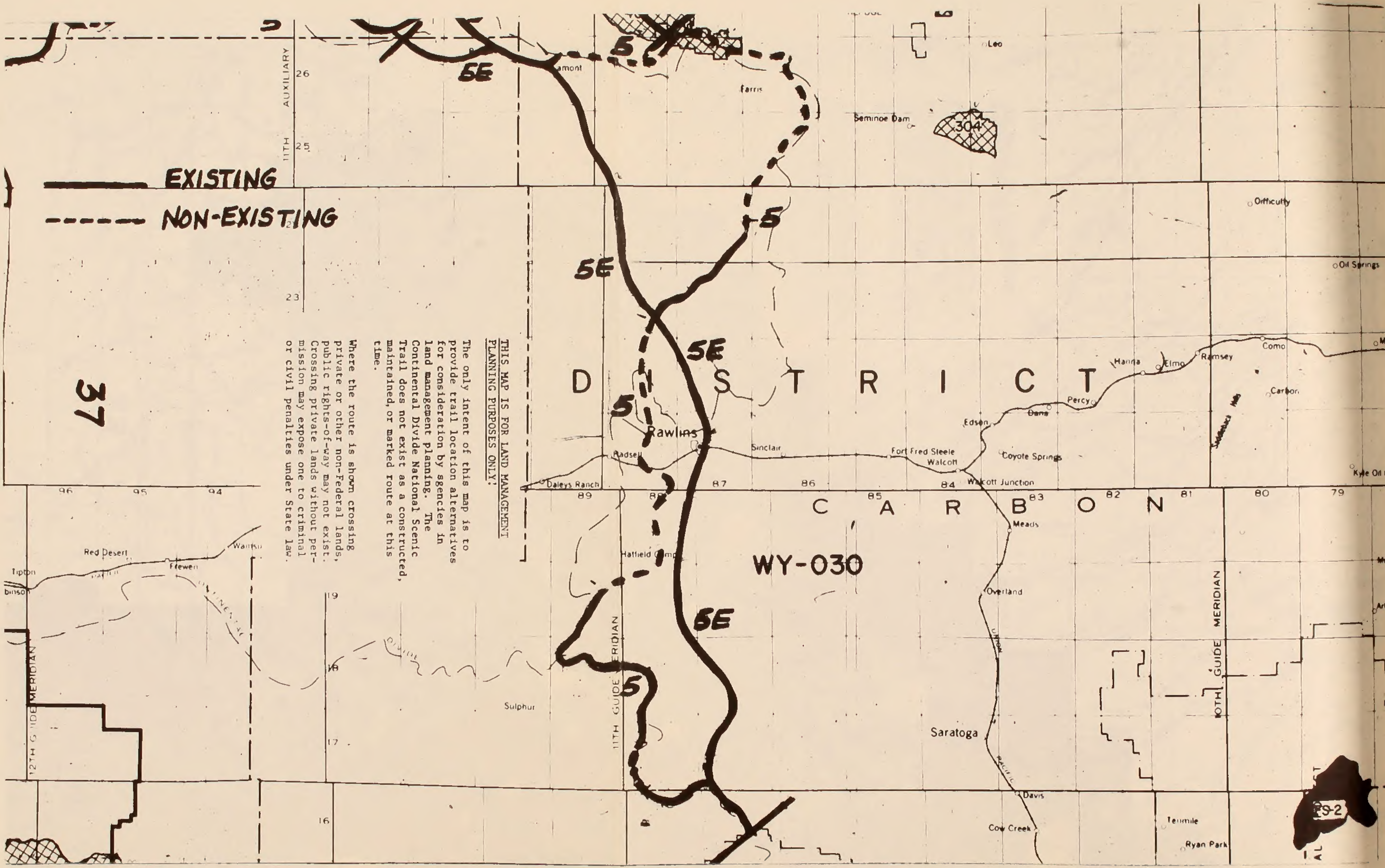

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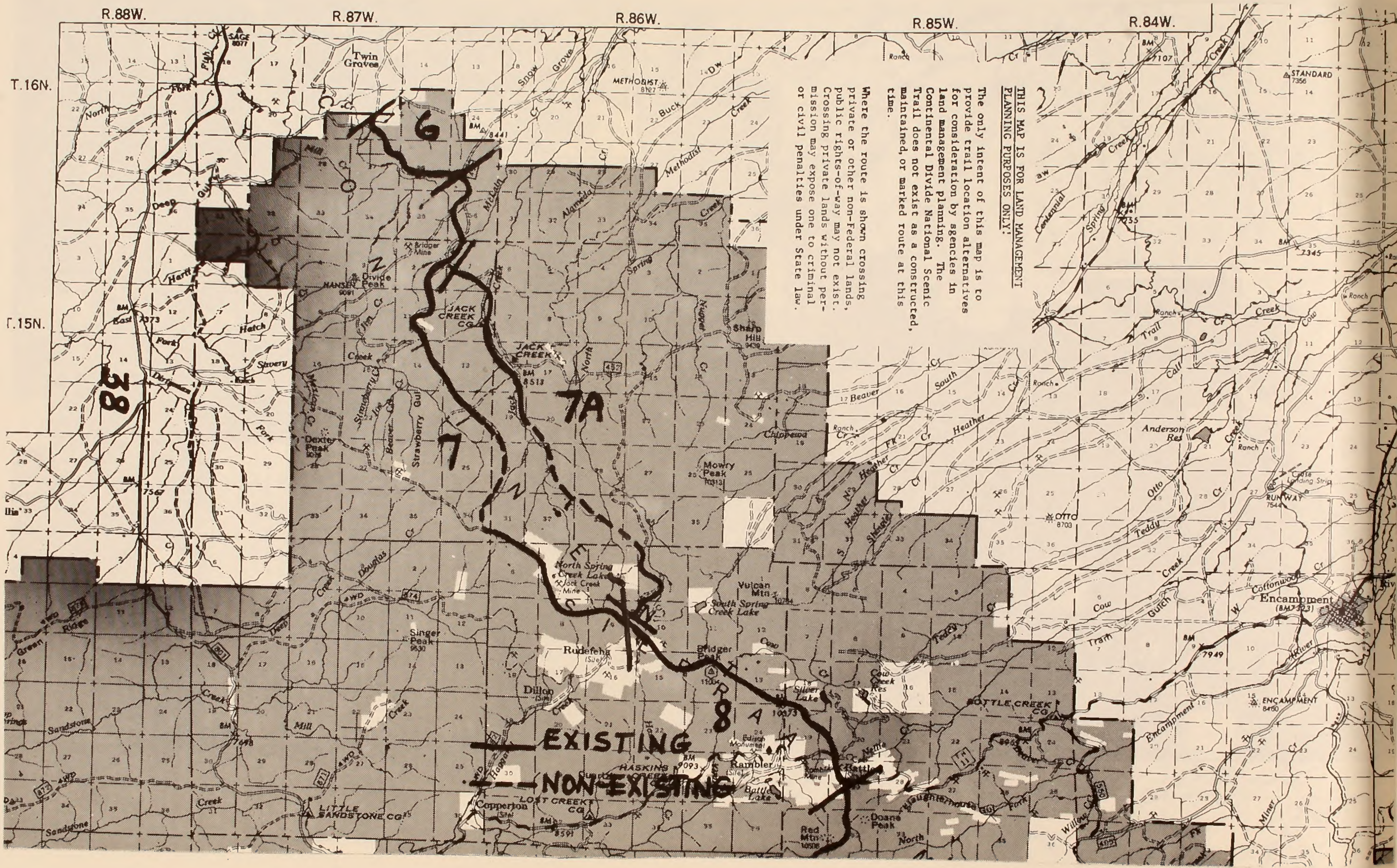

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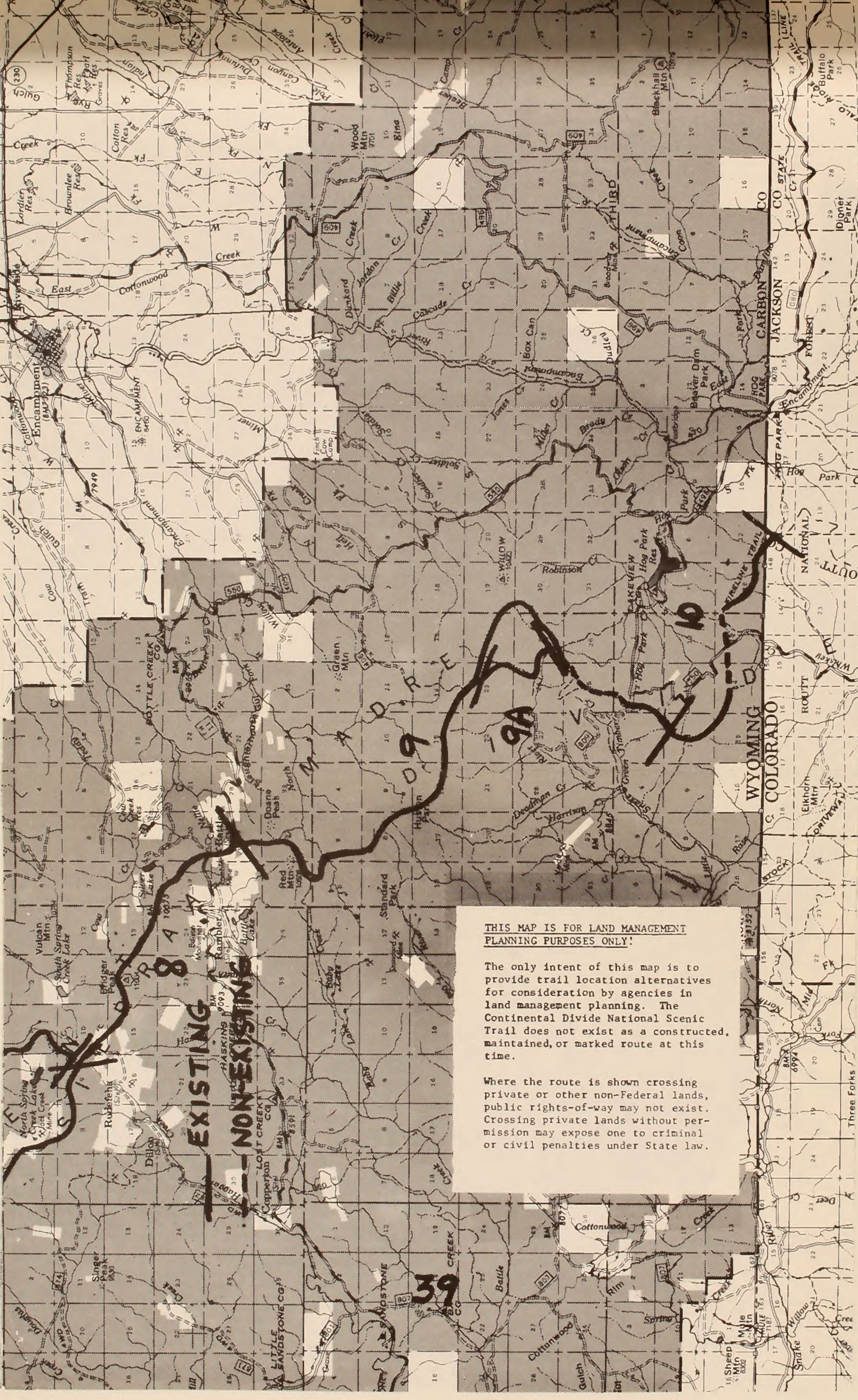

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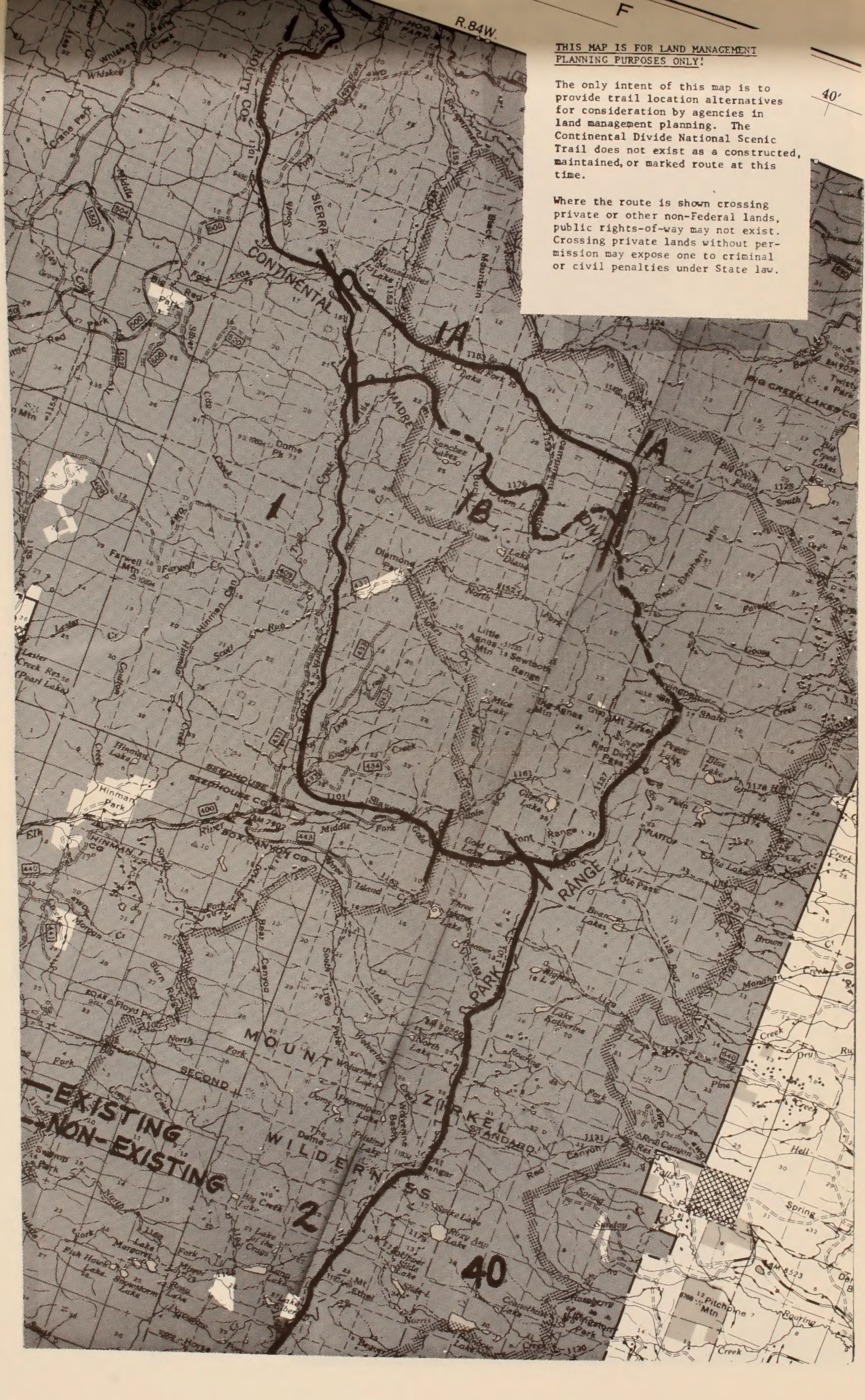

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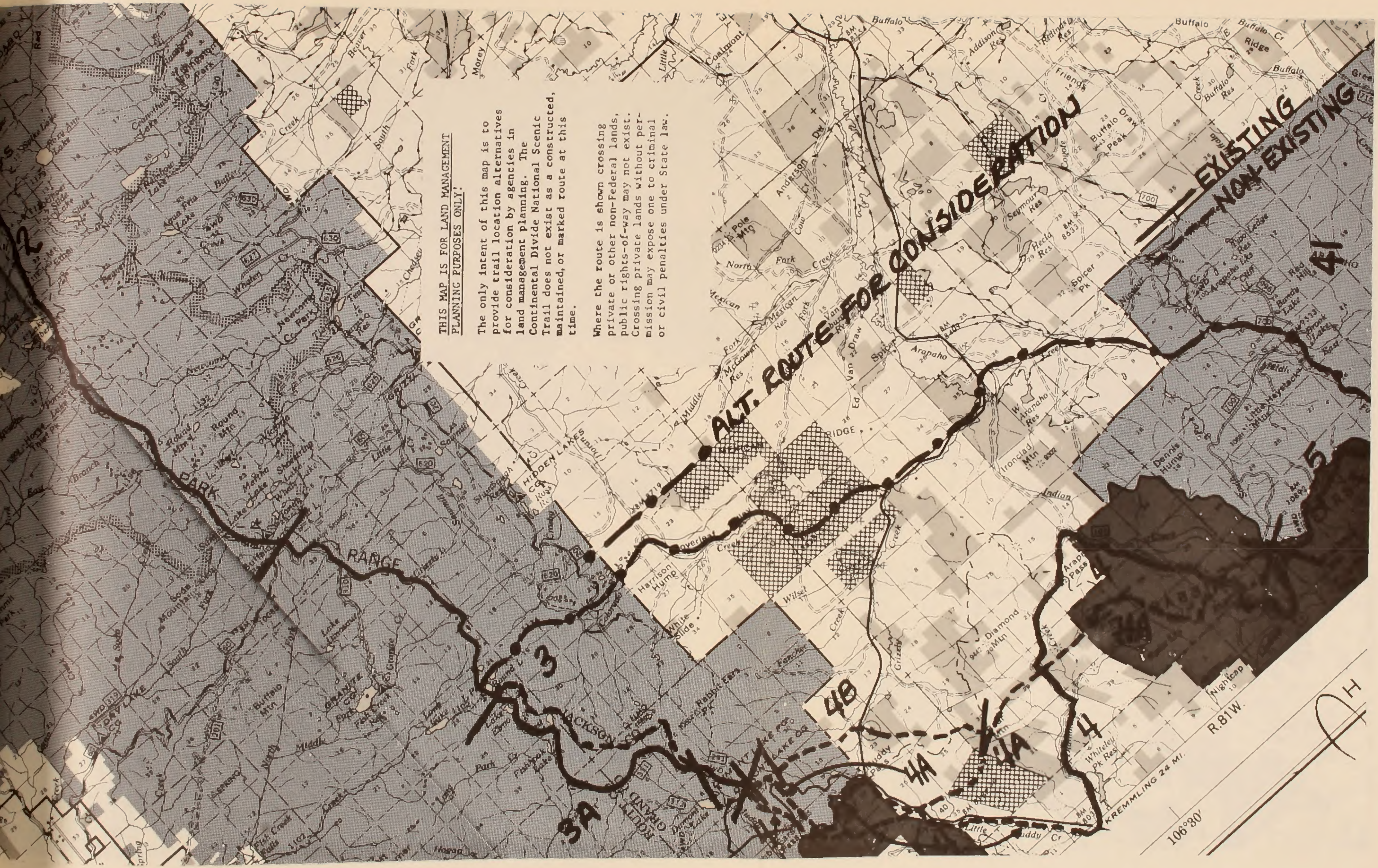

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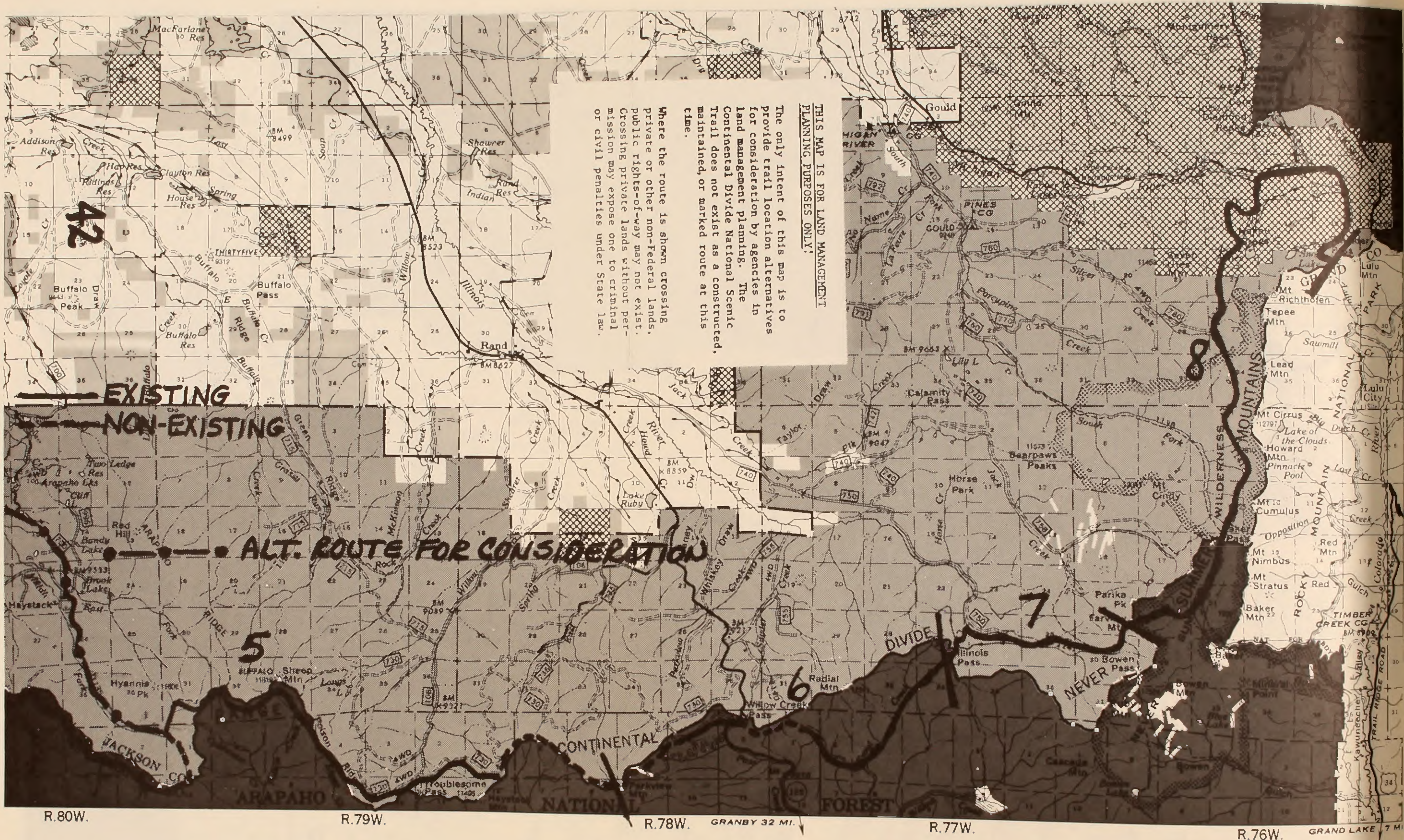

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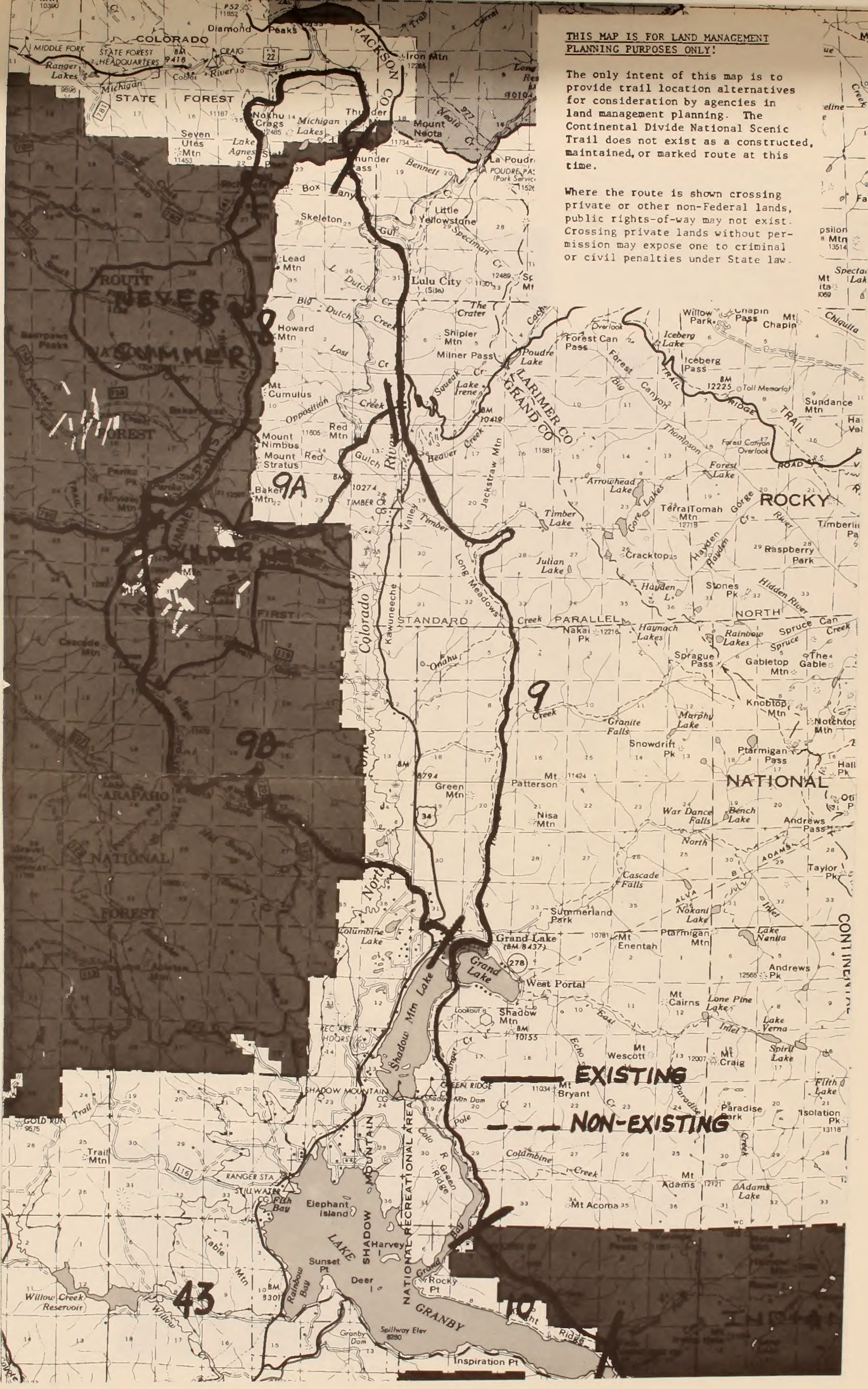
Polyconic projection
1927 North American datum



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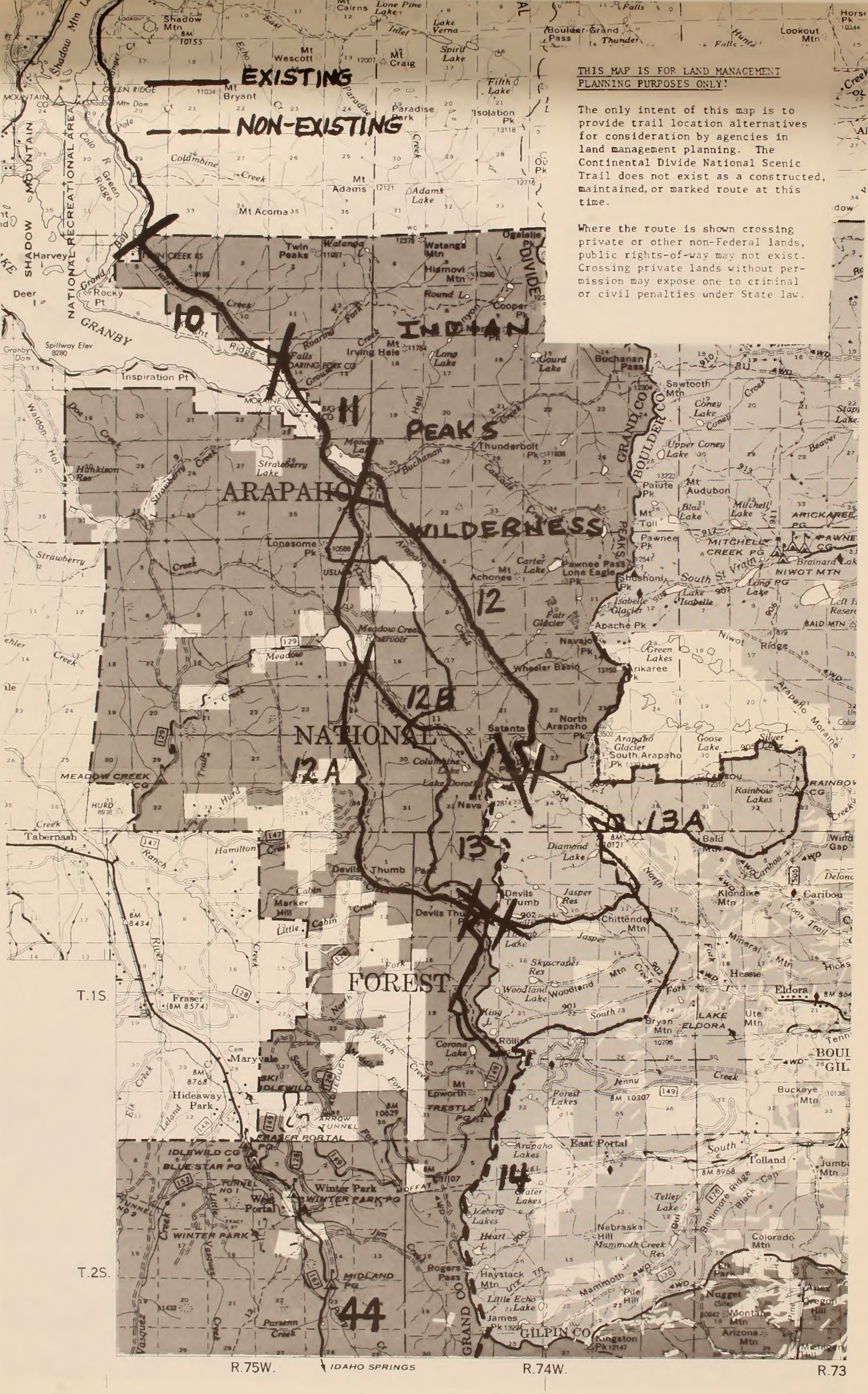

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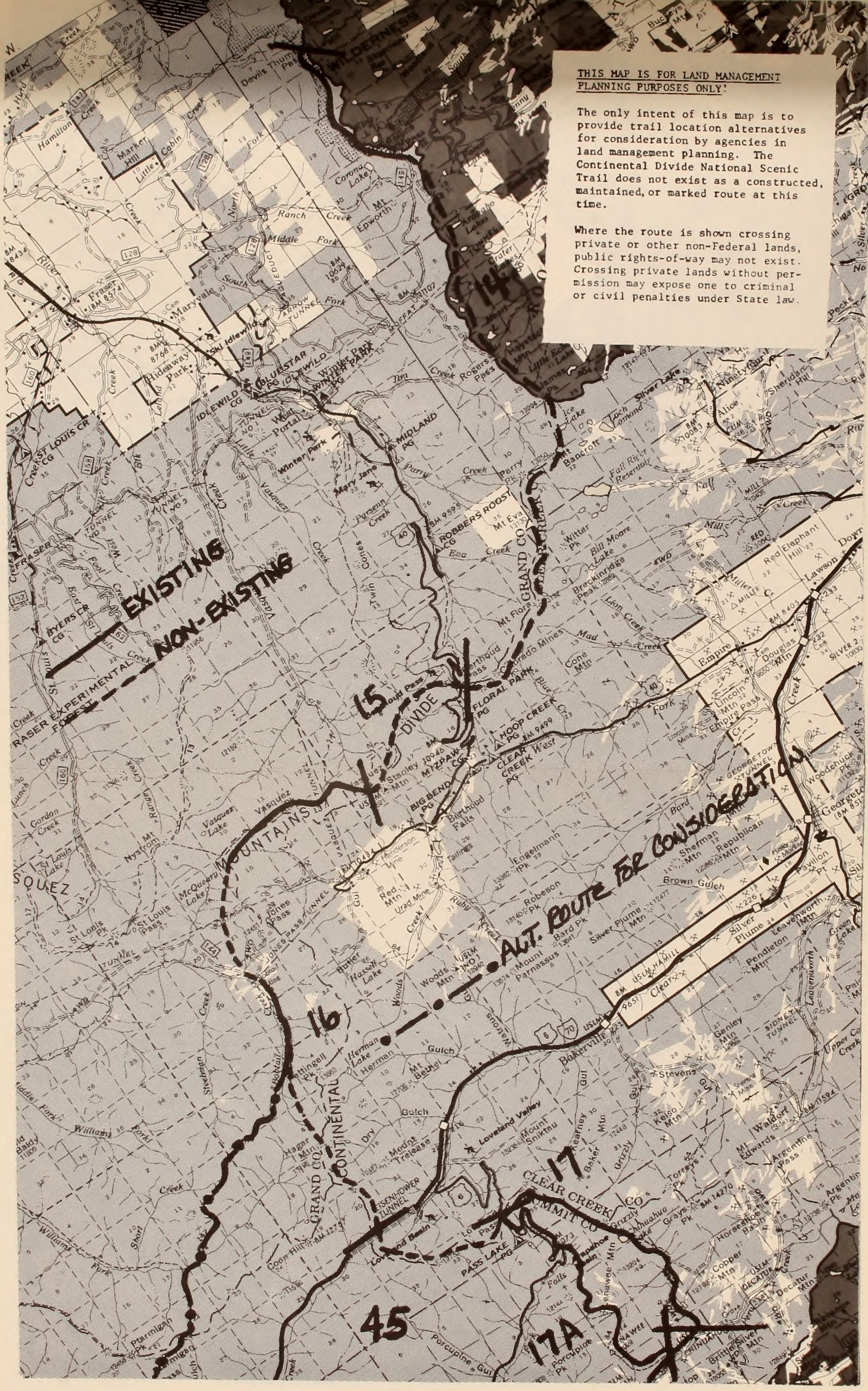

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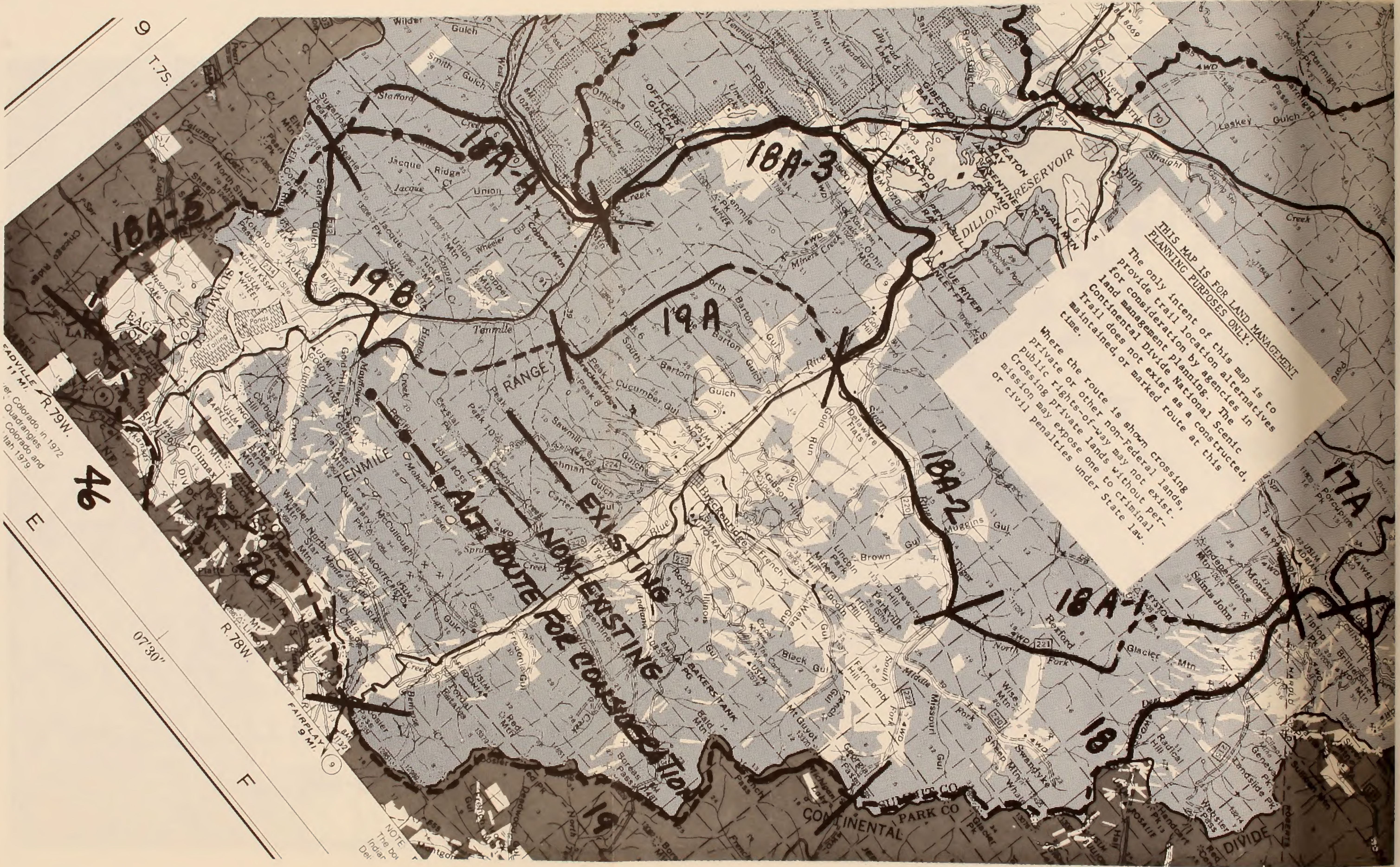

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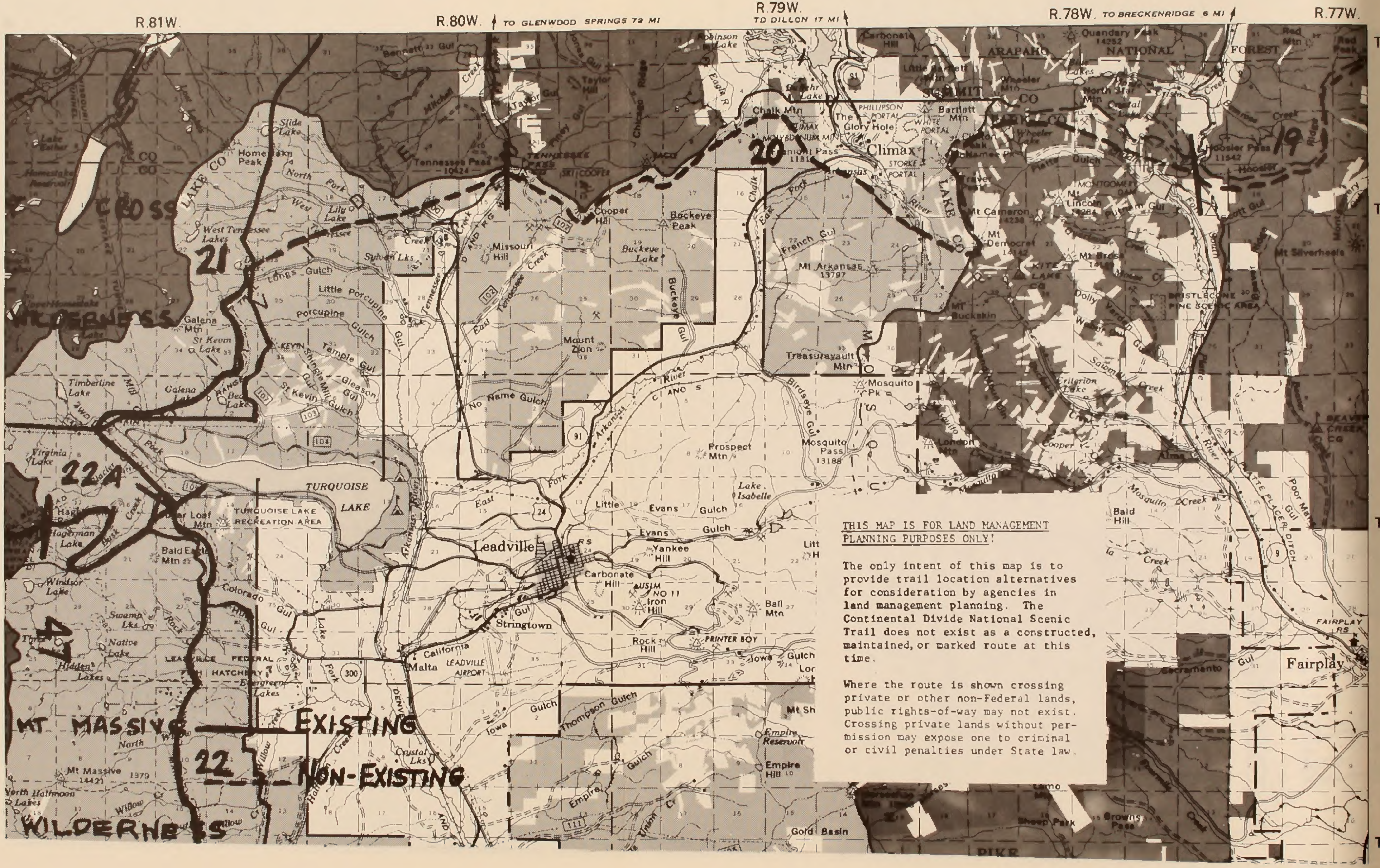

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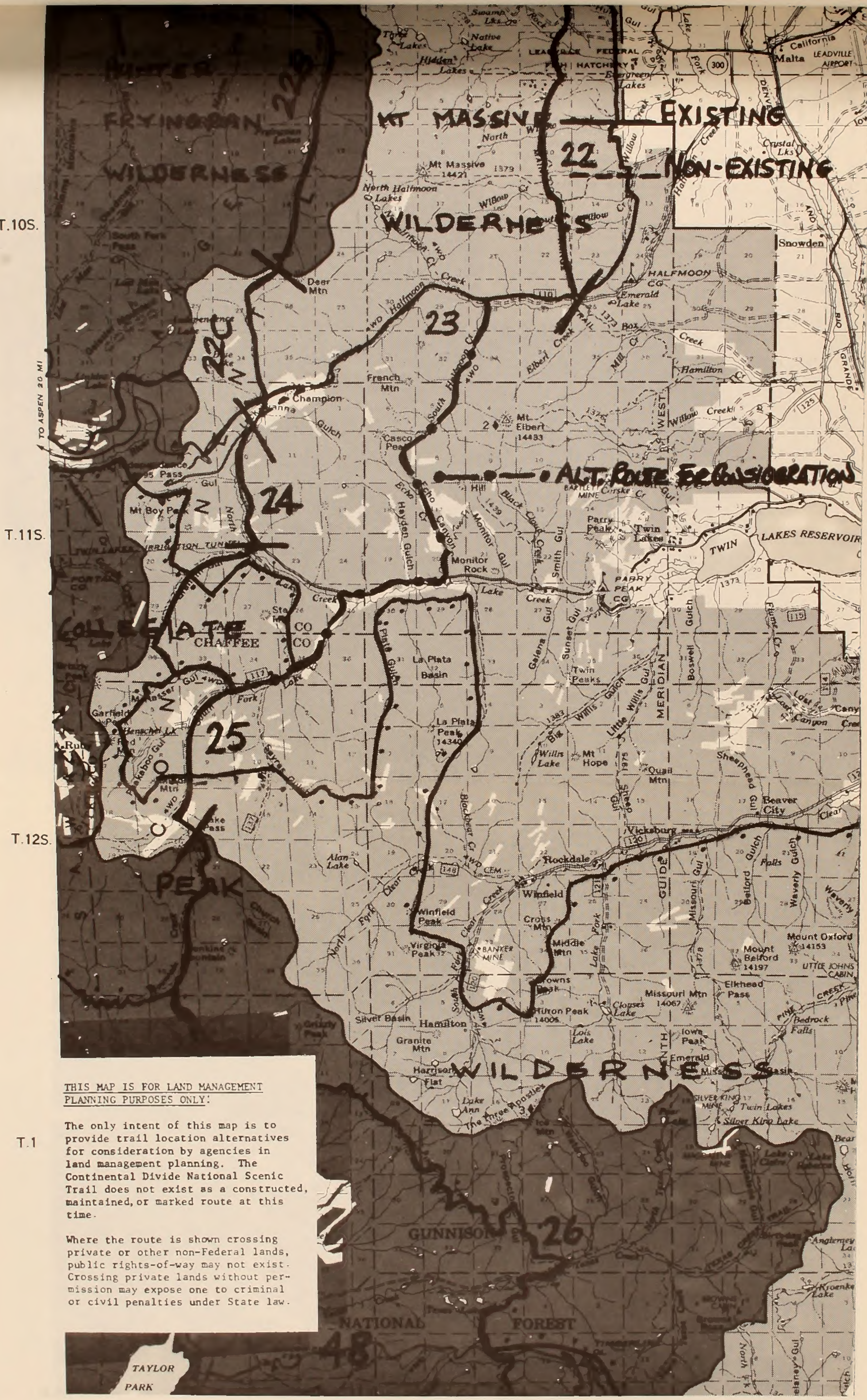

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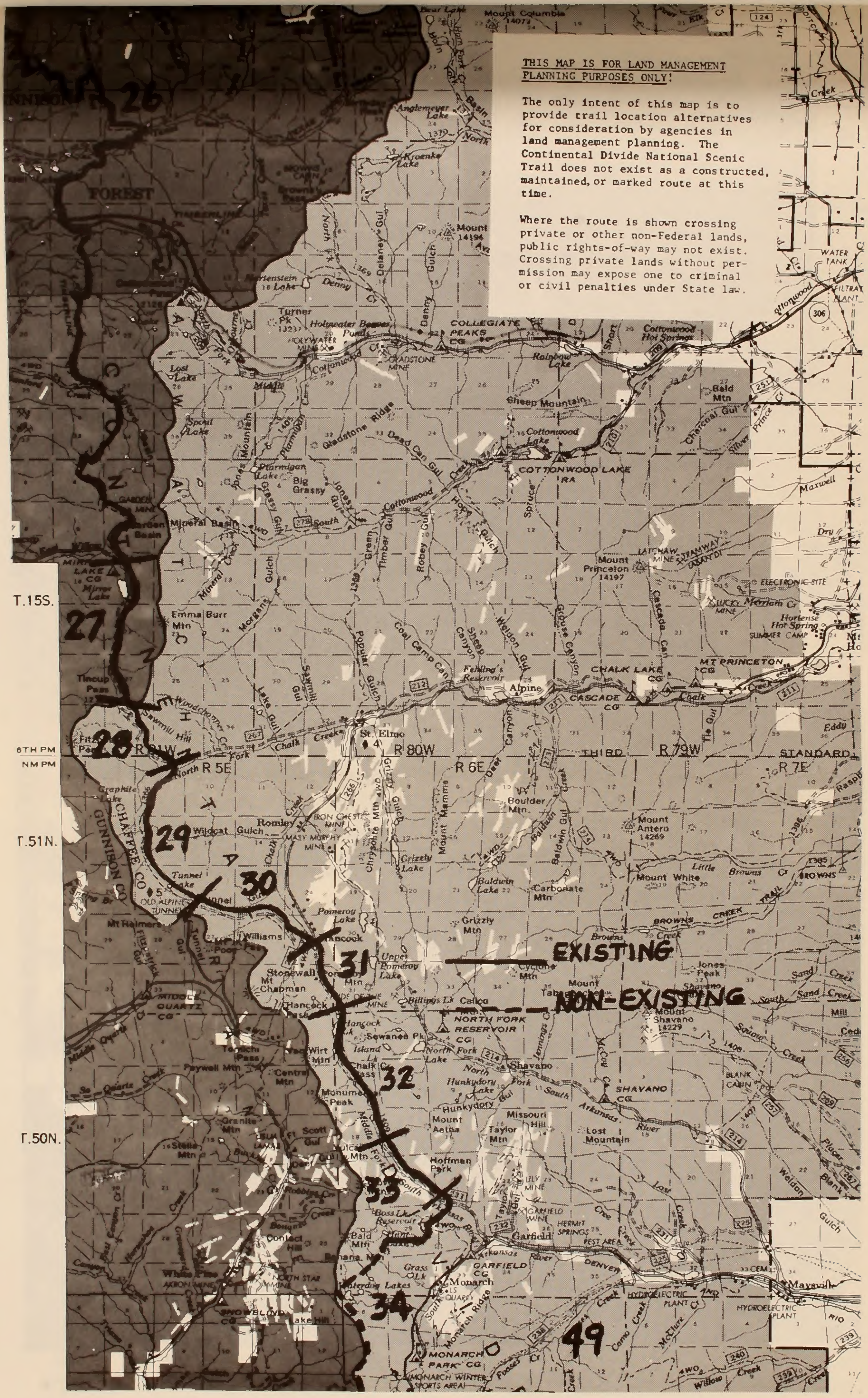

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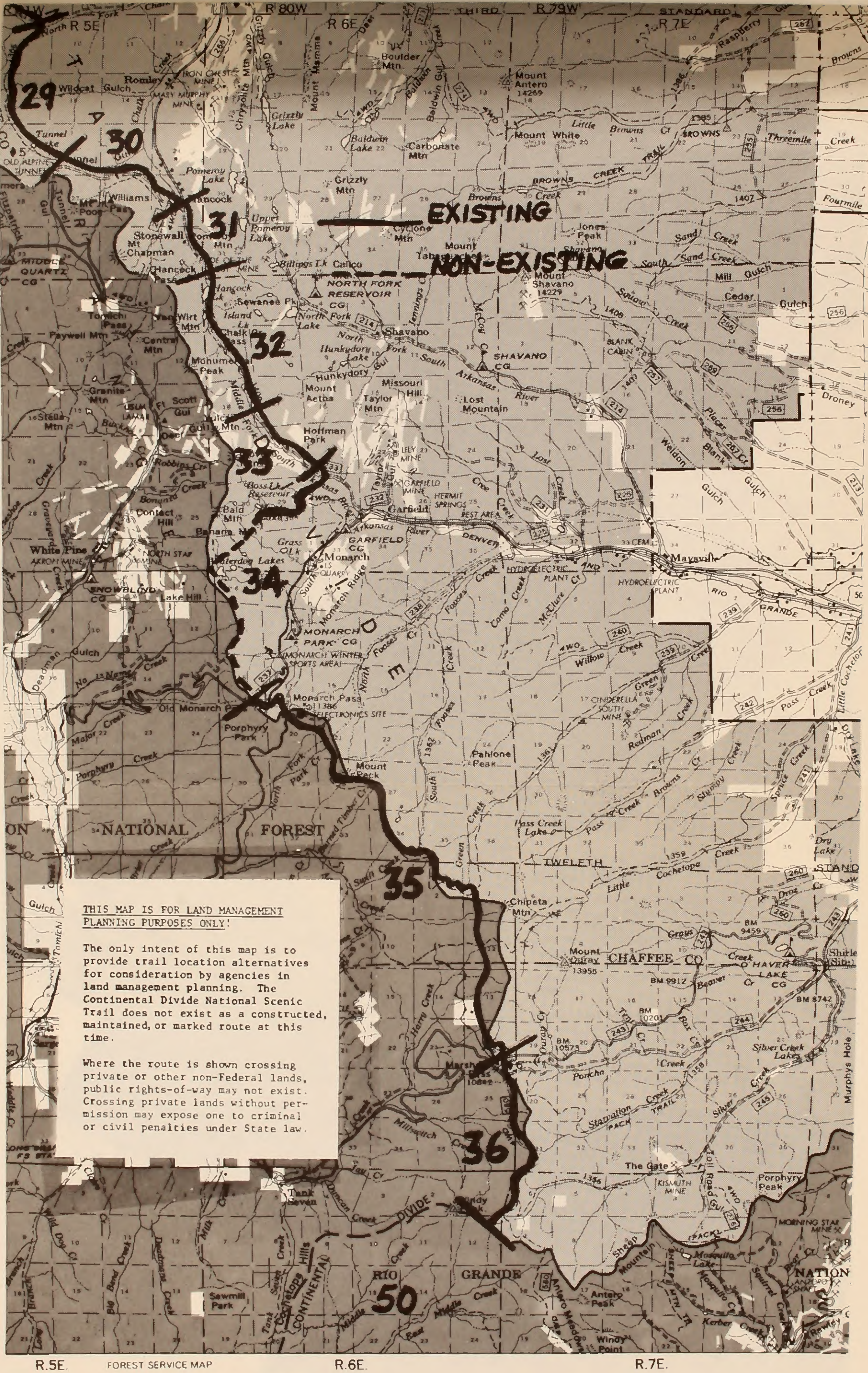

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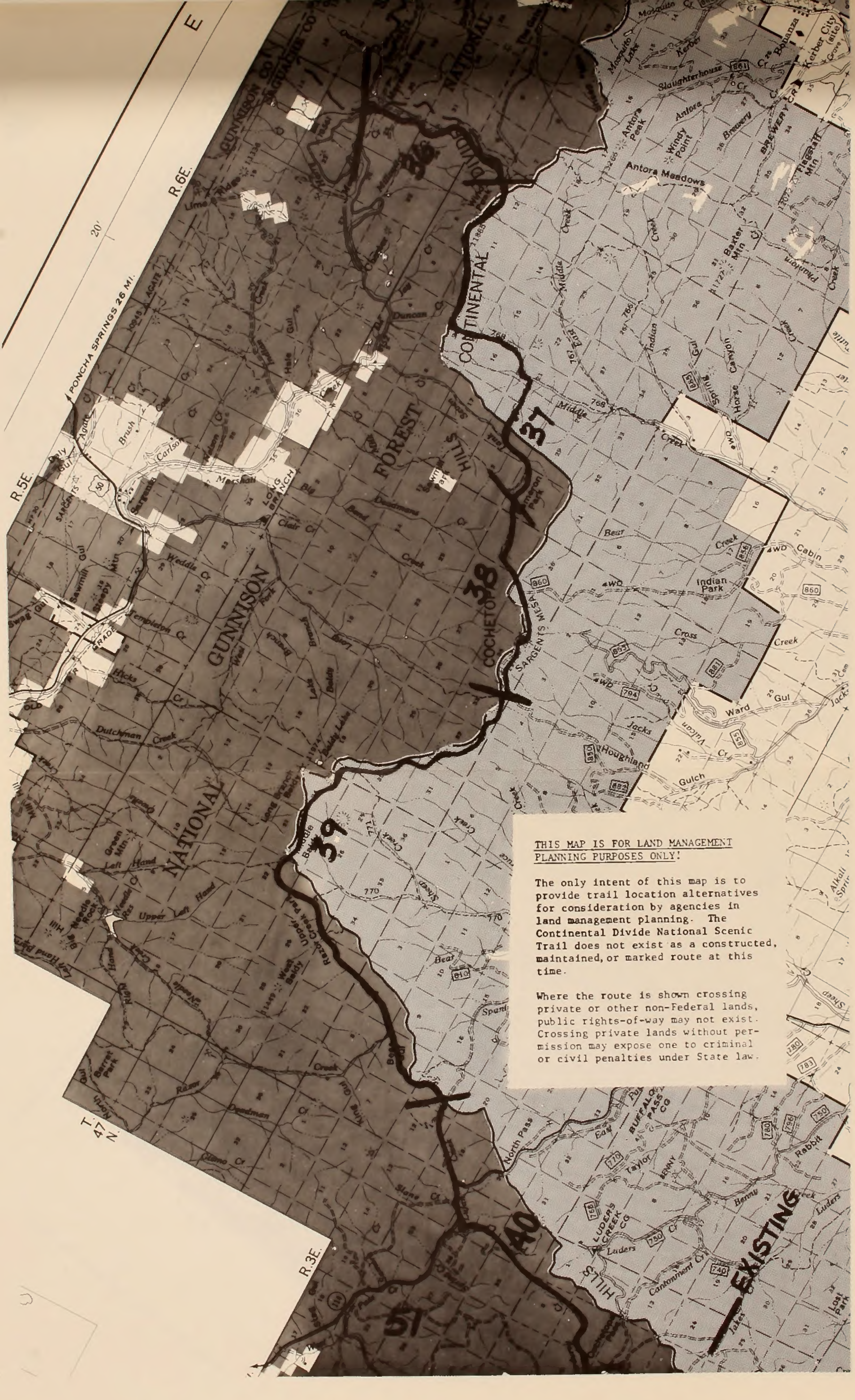
FOREST SERVICE MAP

Compiled in the Regional Office, Denver, Colorado in 1964 from U.S.F.S. planimetric series and U.S.G.S. quadrangles. Partial Revision 1972



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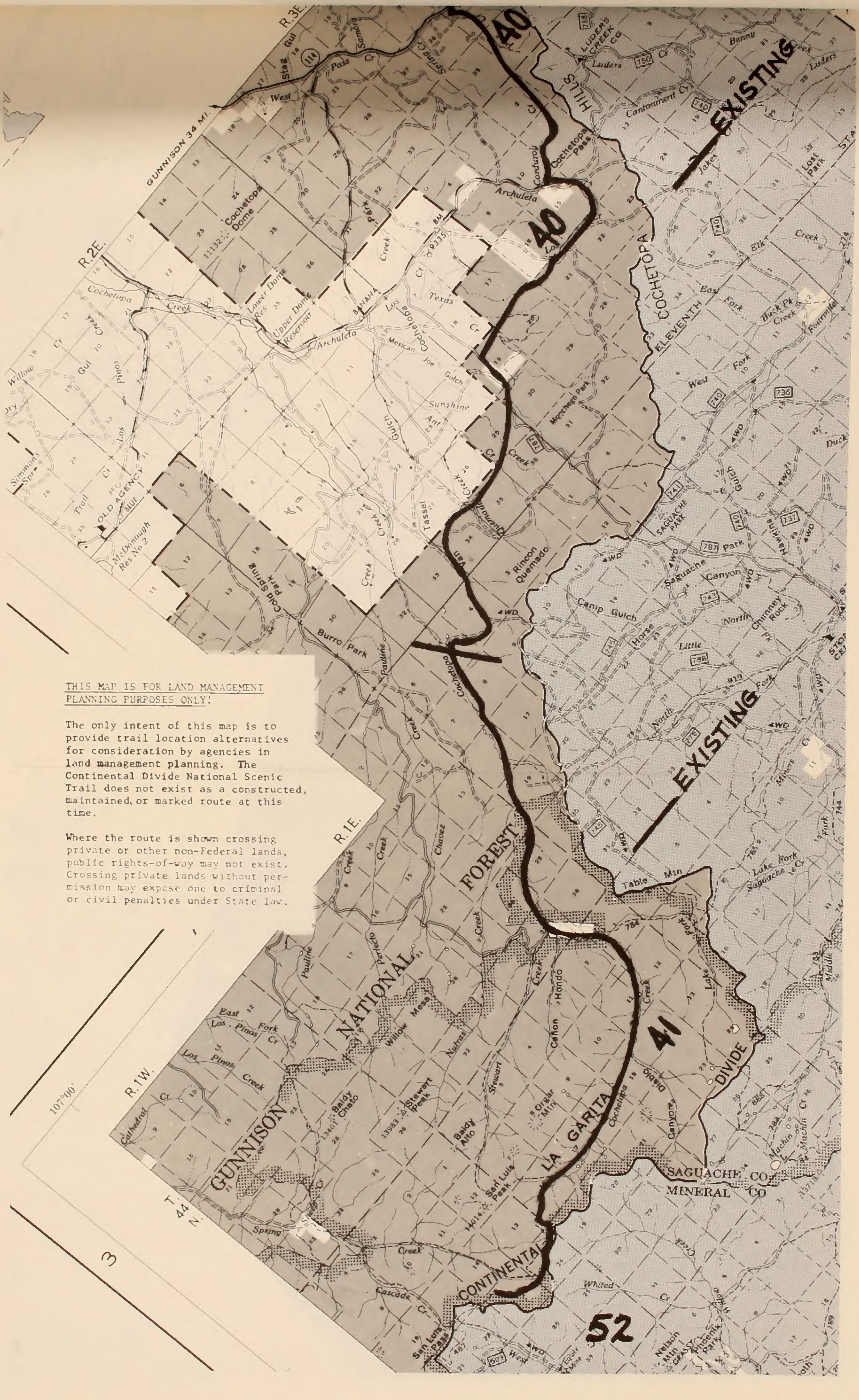

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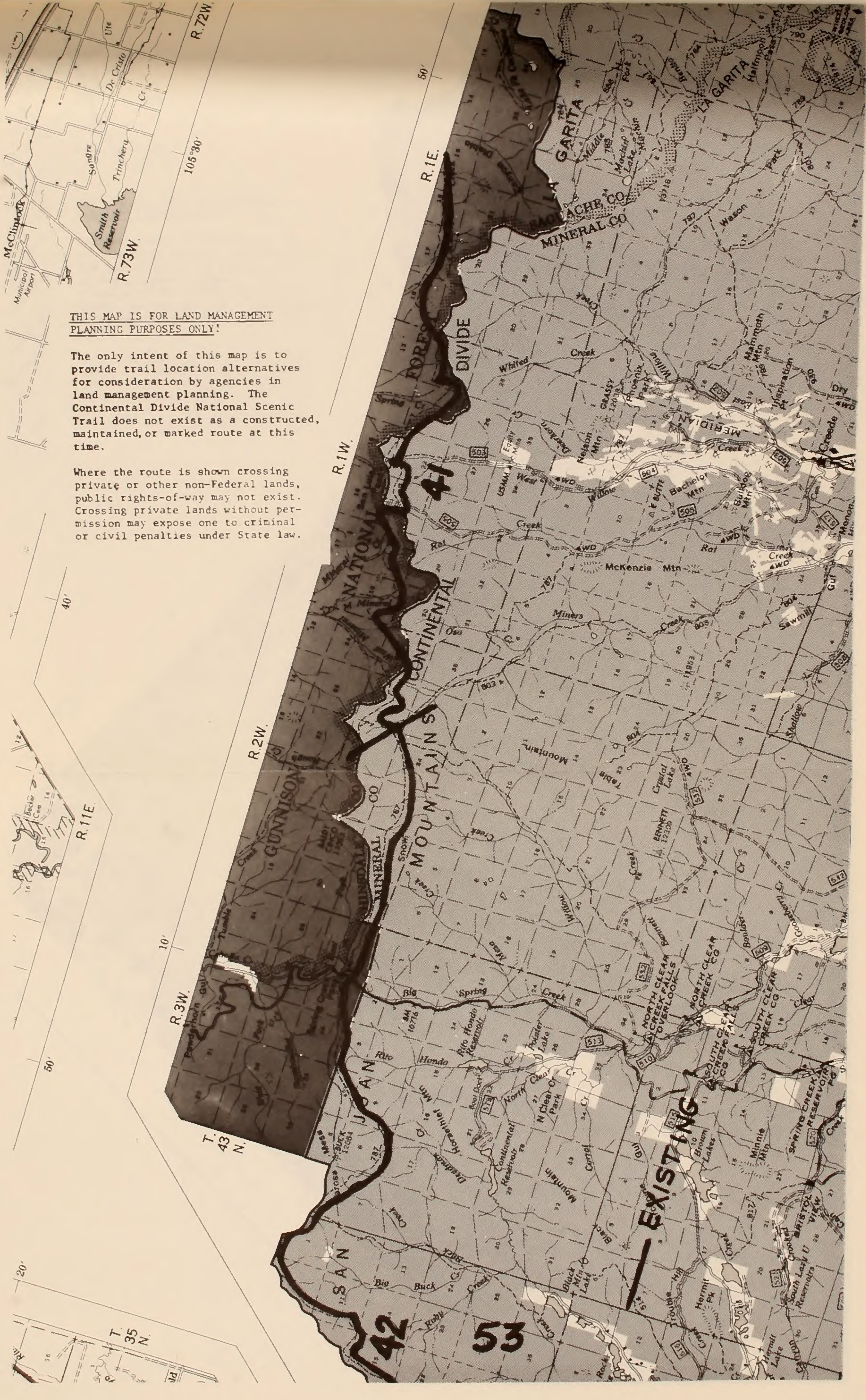

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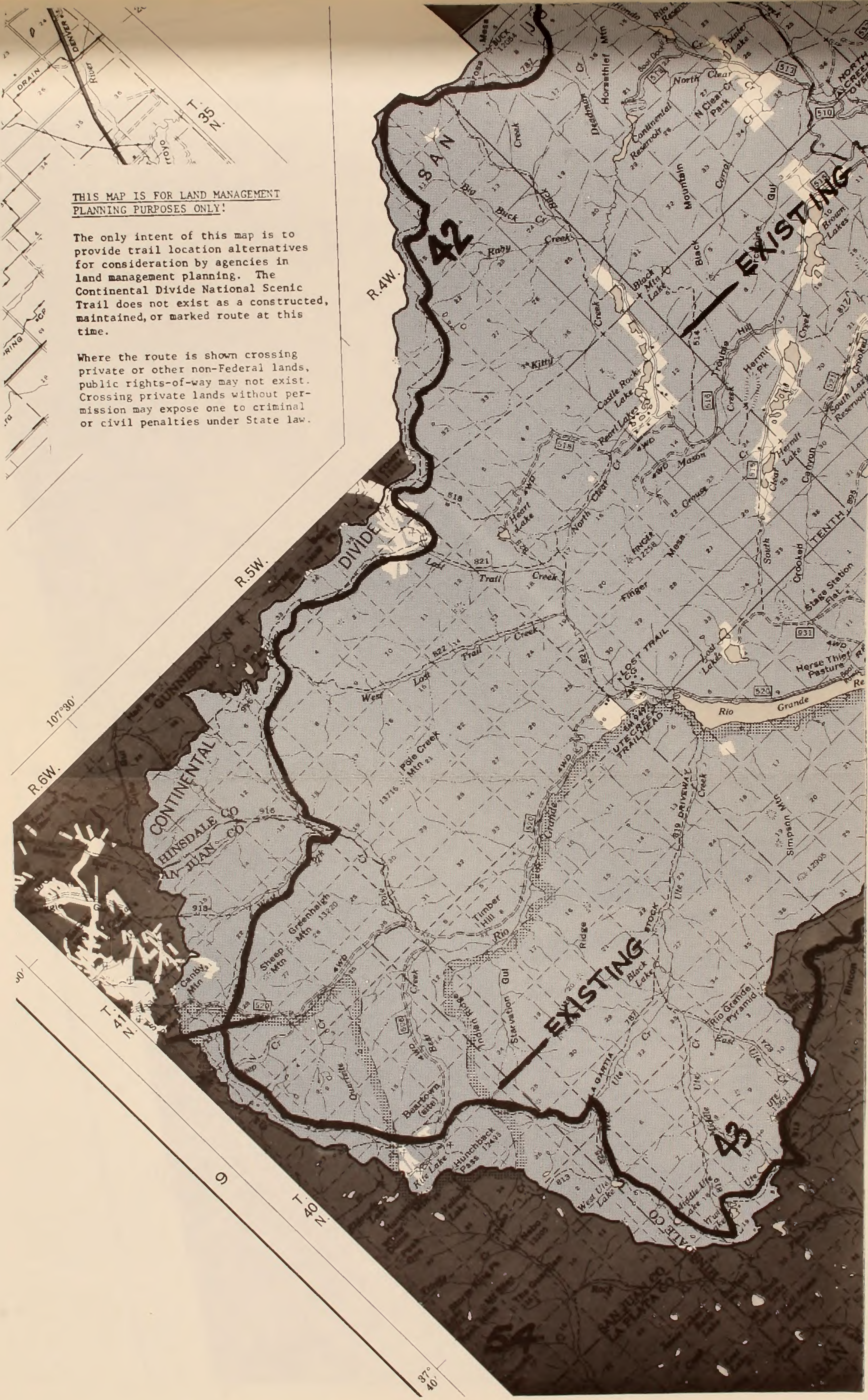

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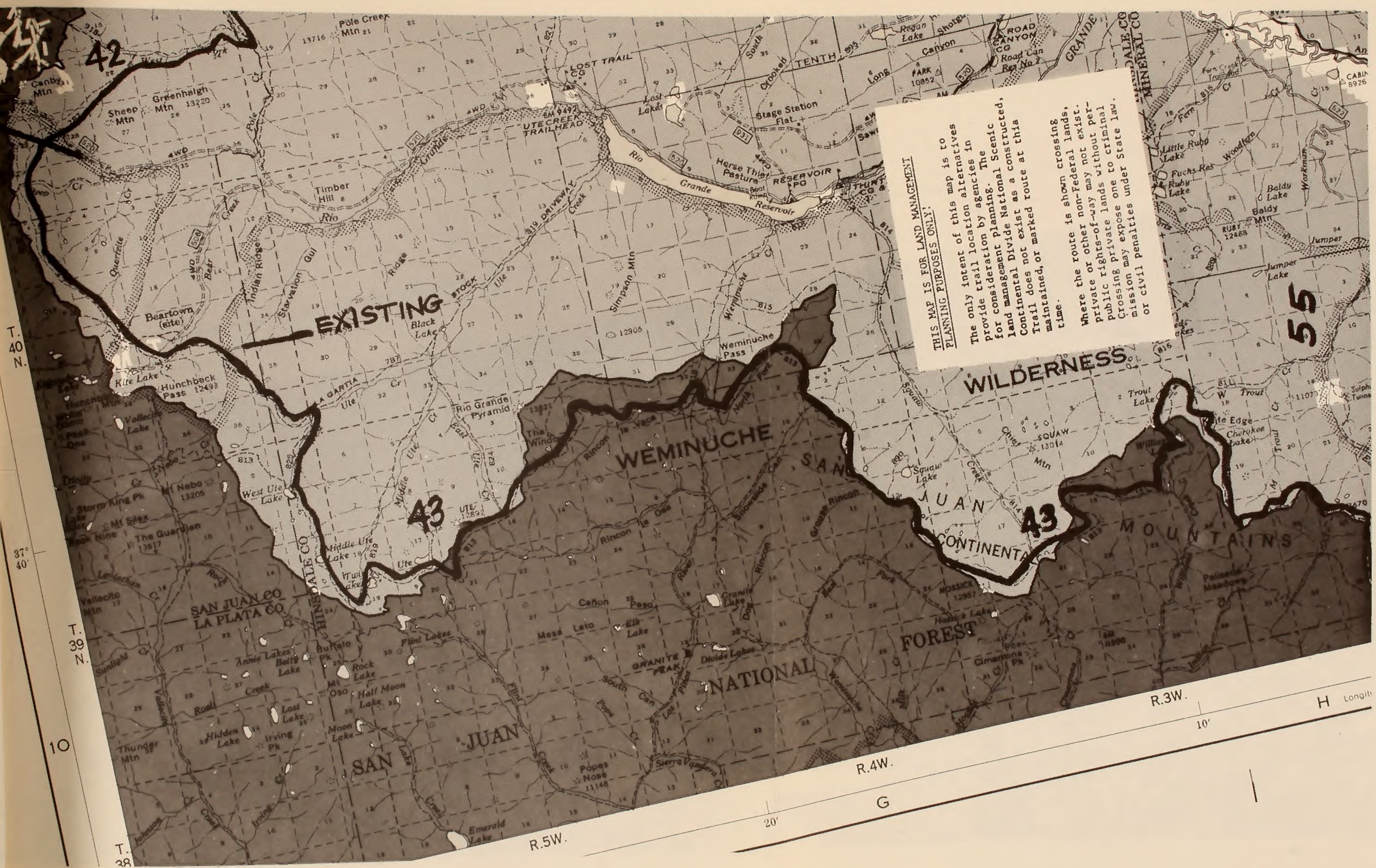

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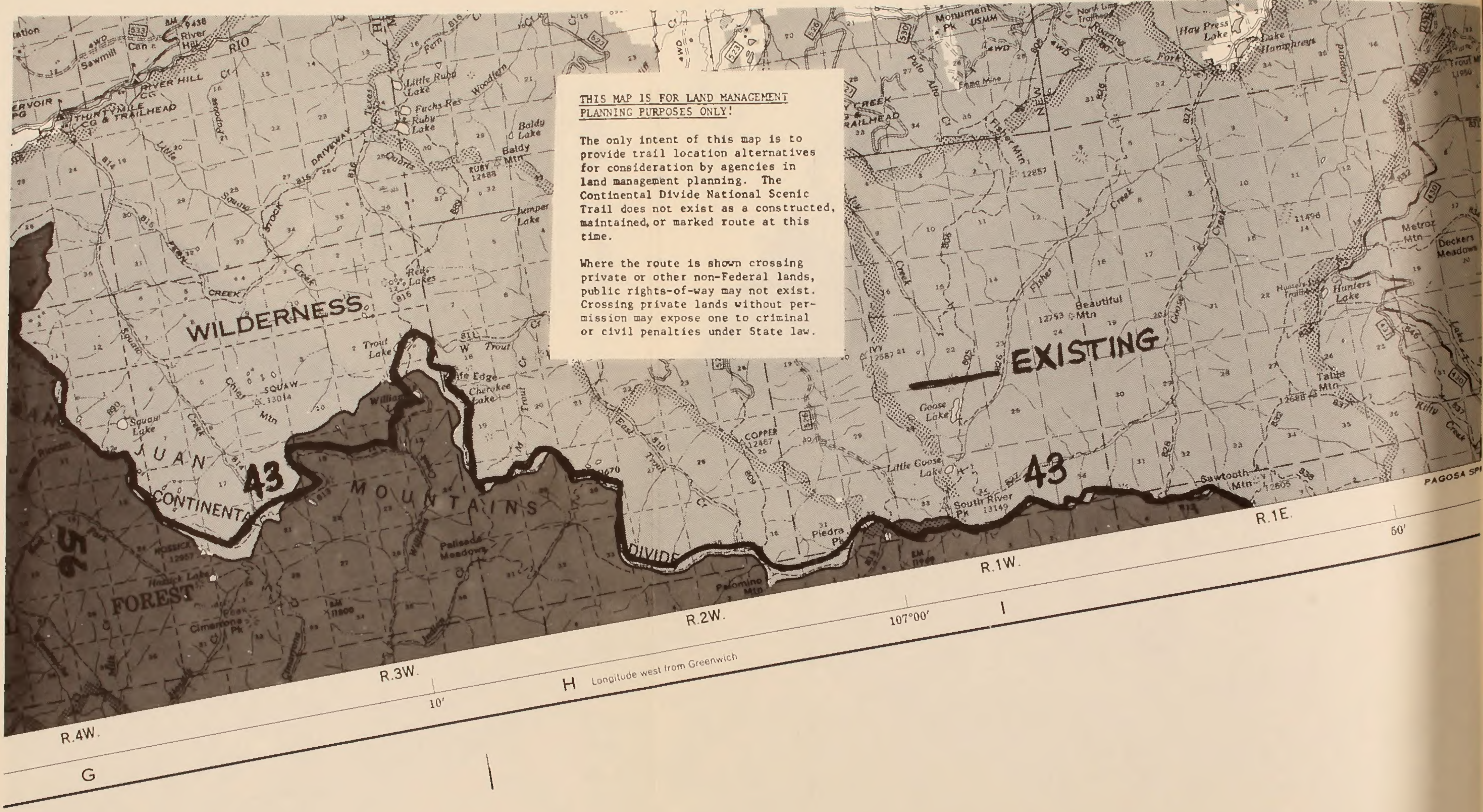

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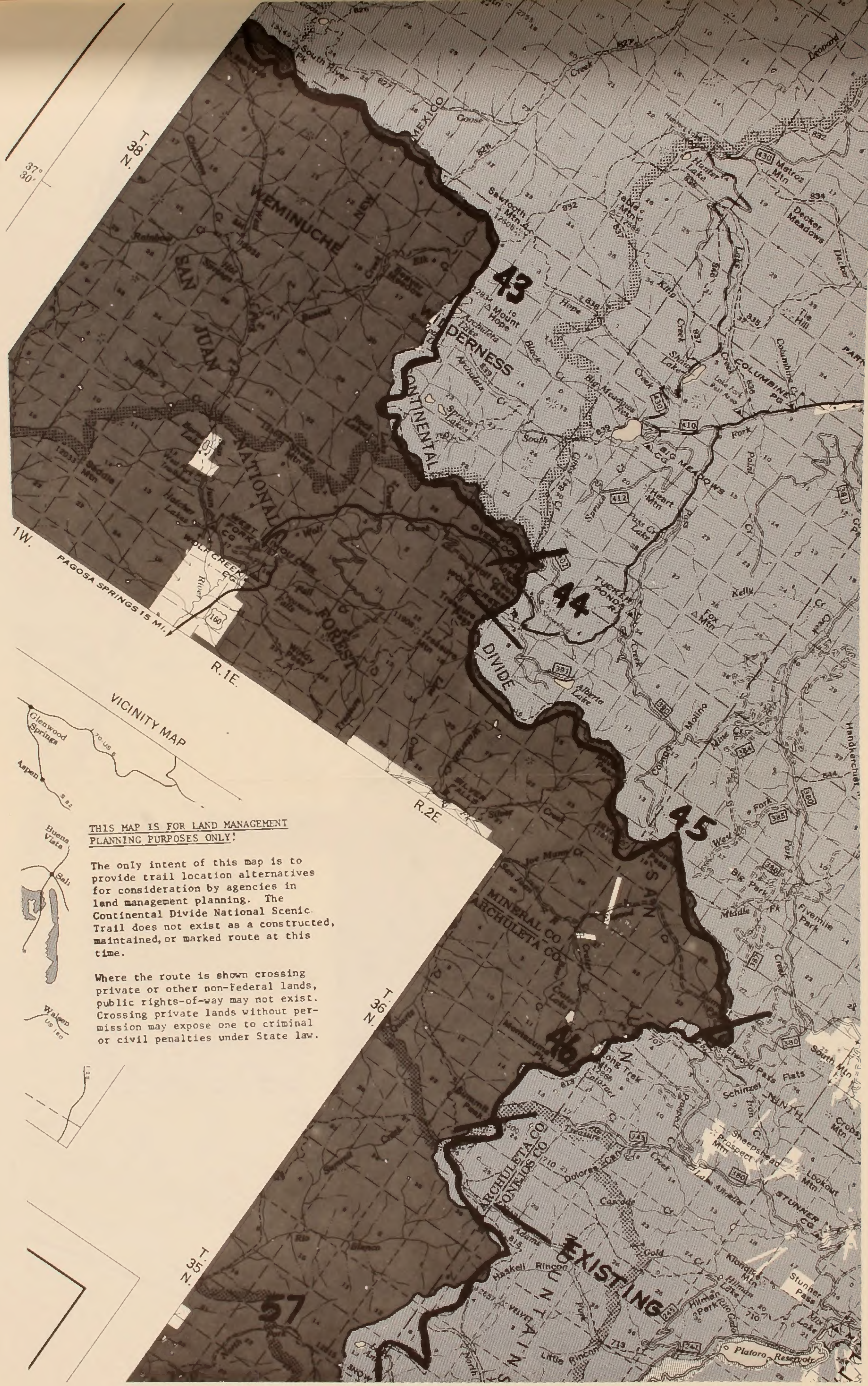

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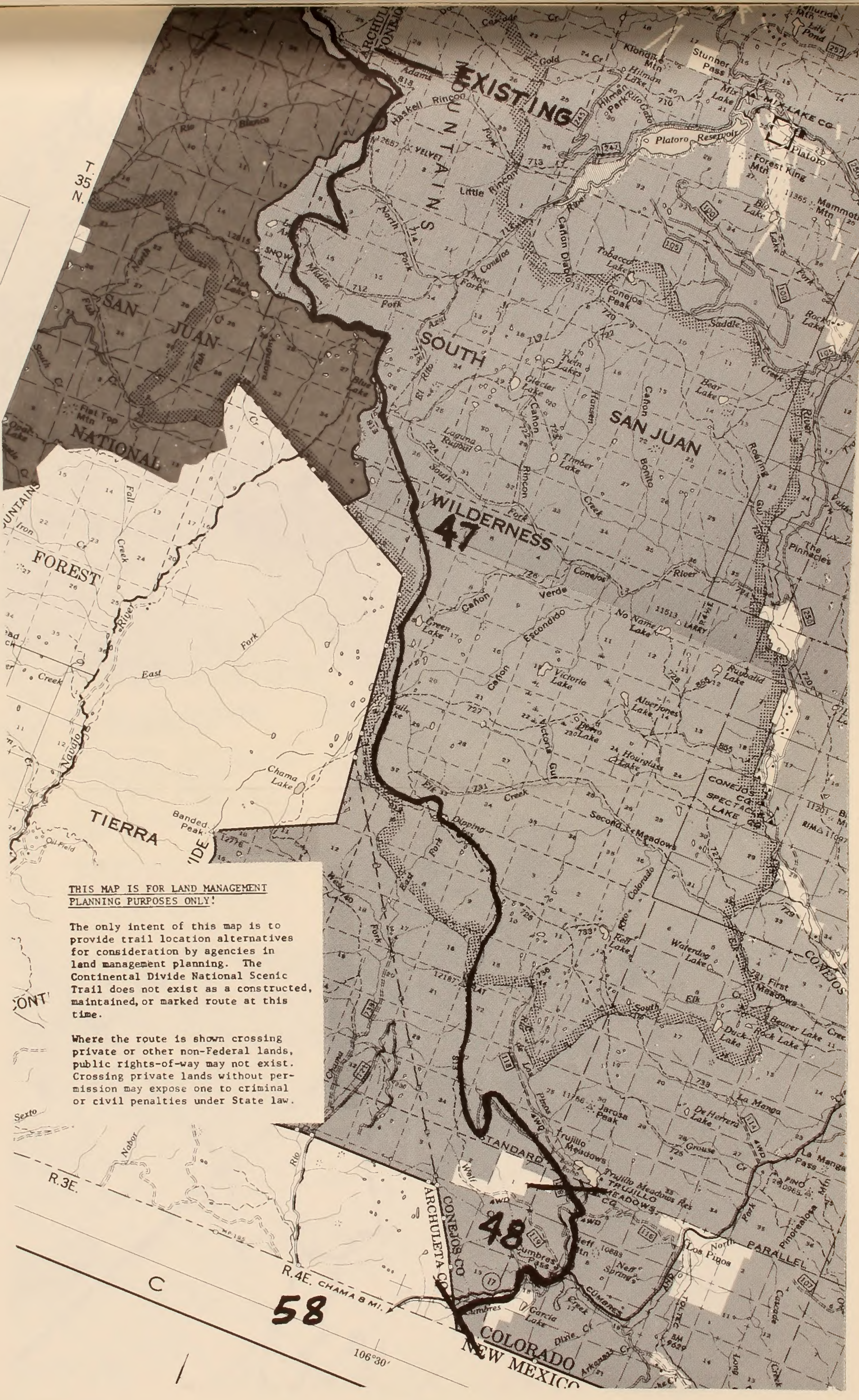

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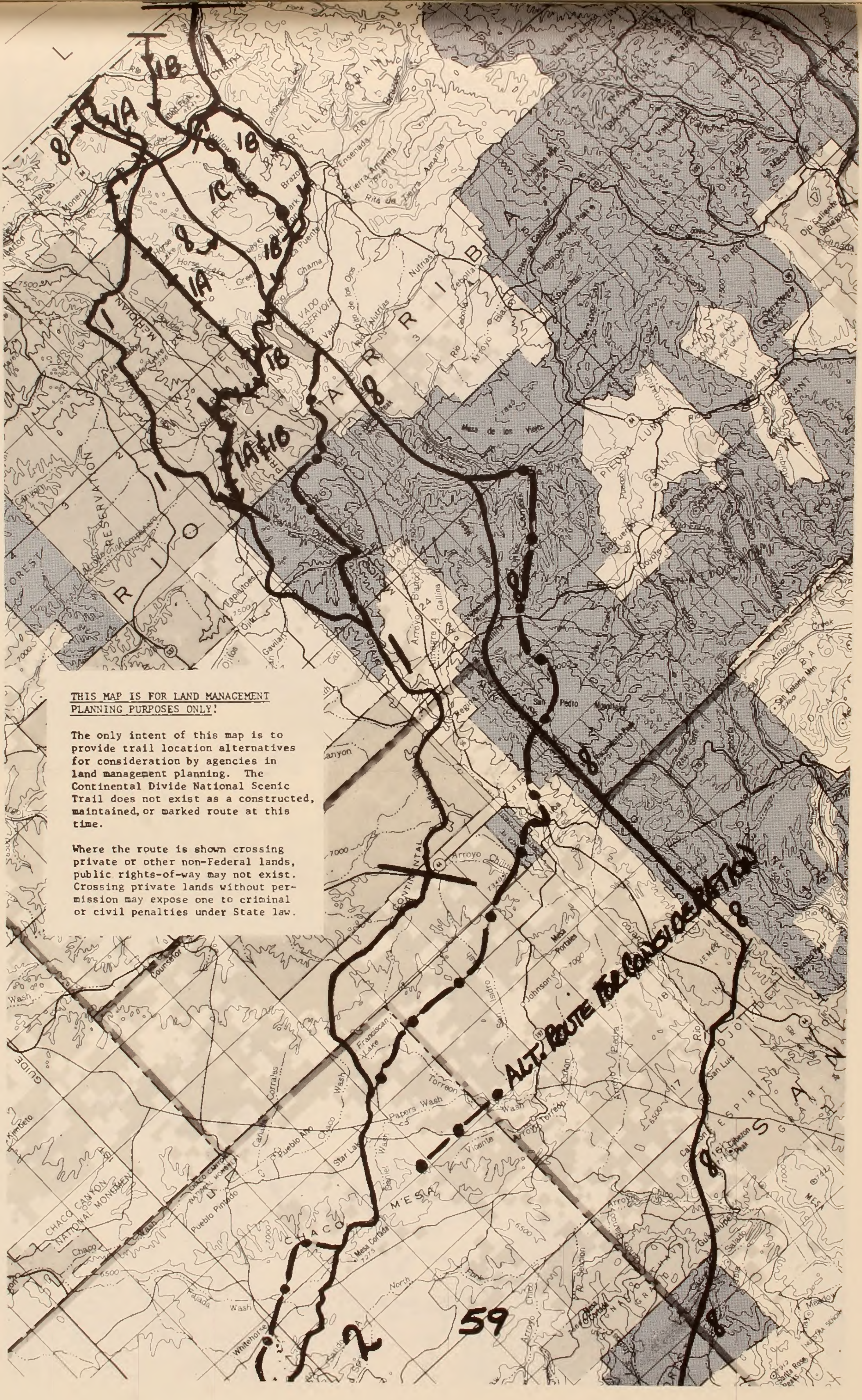

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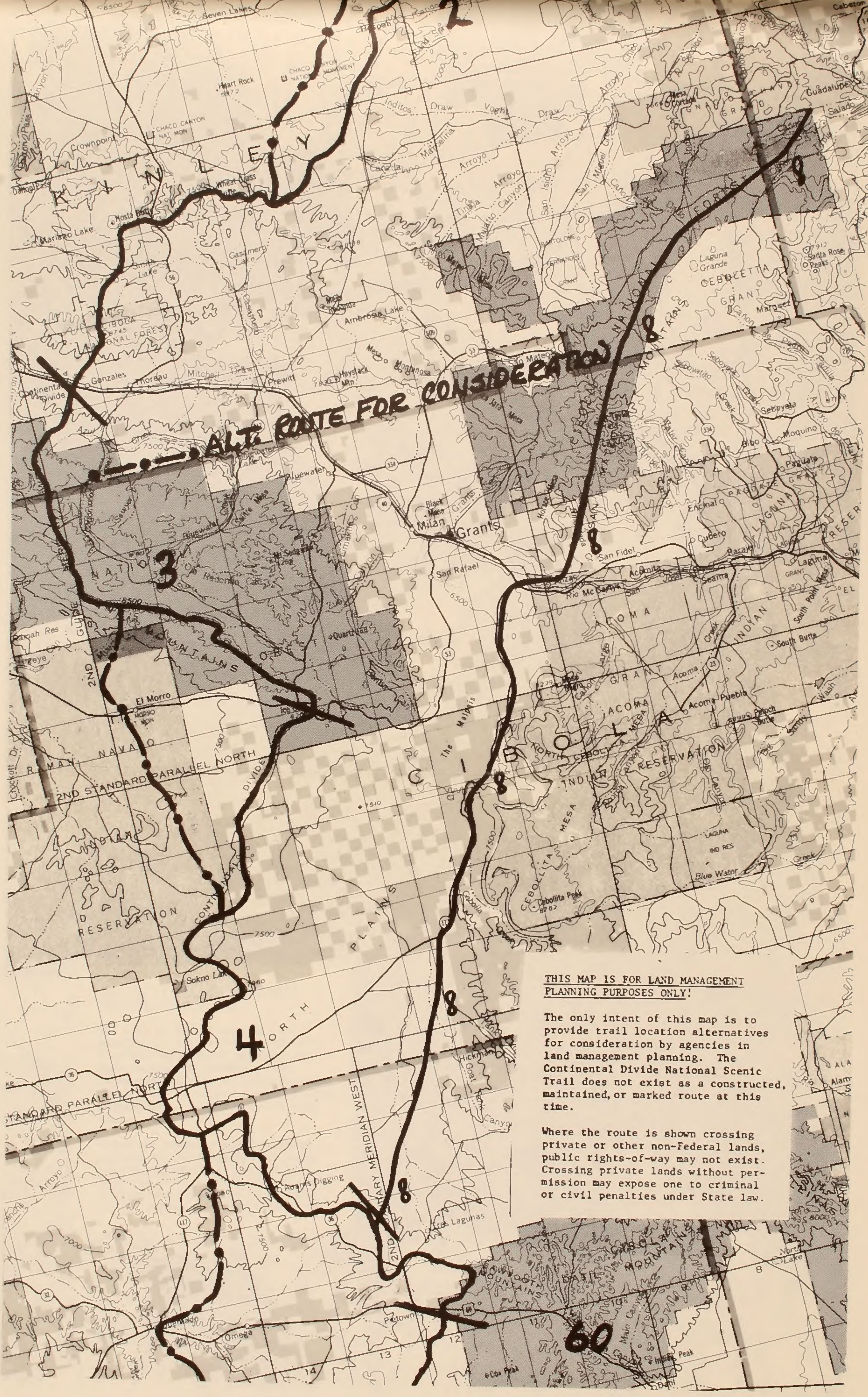

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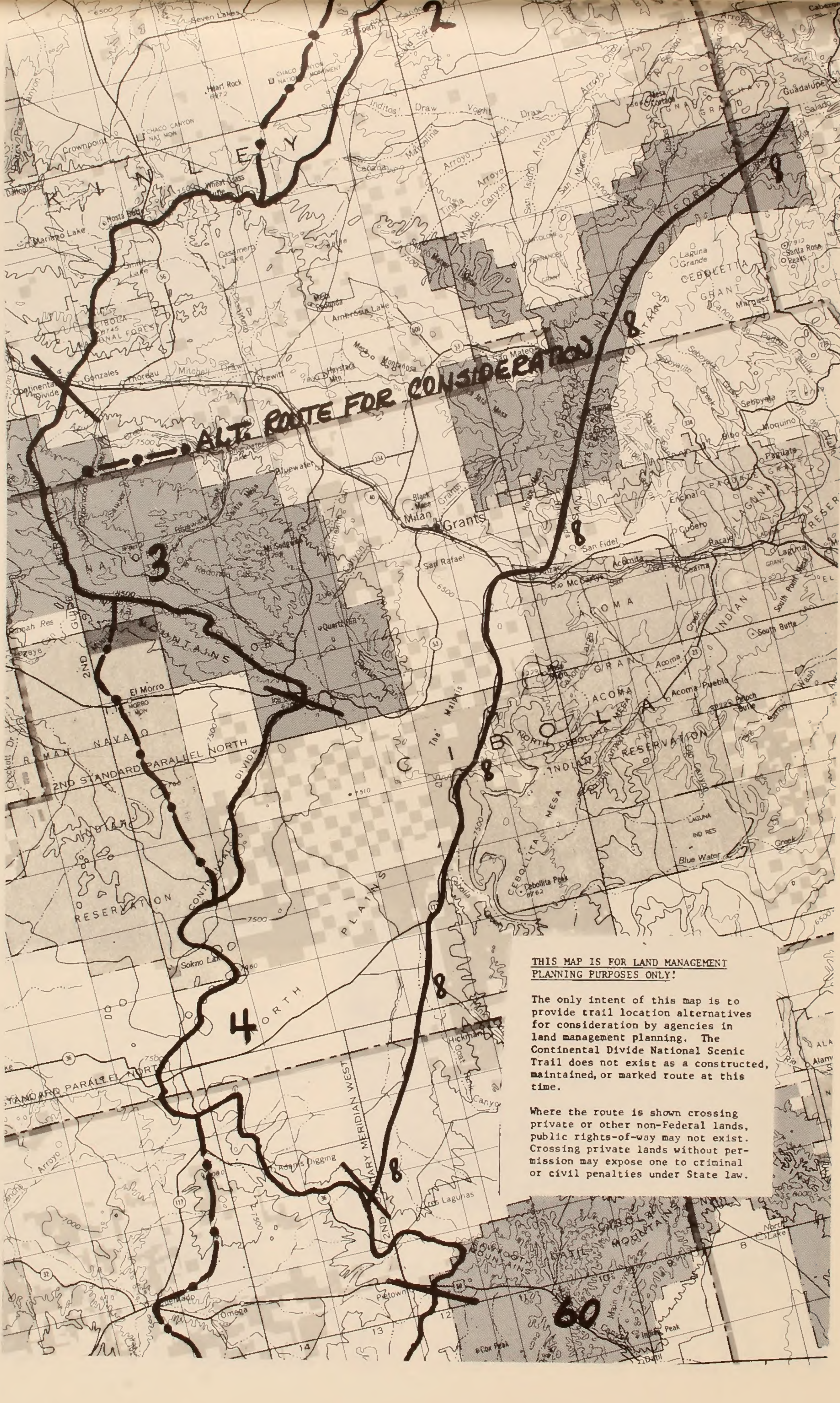

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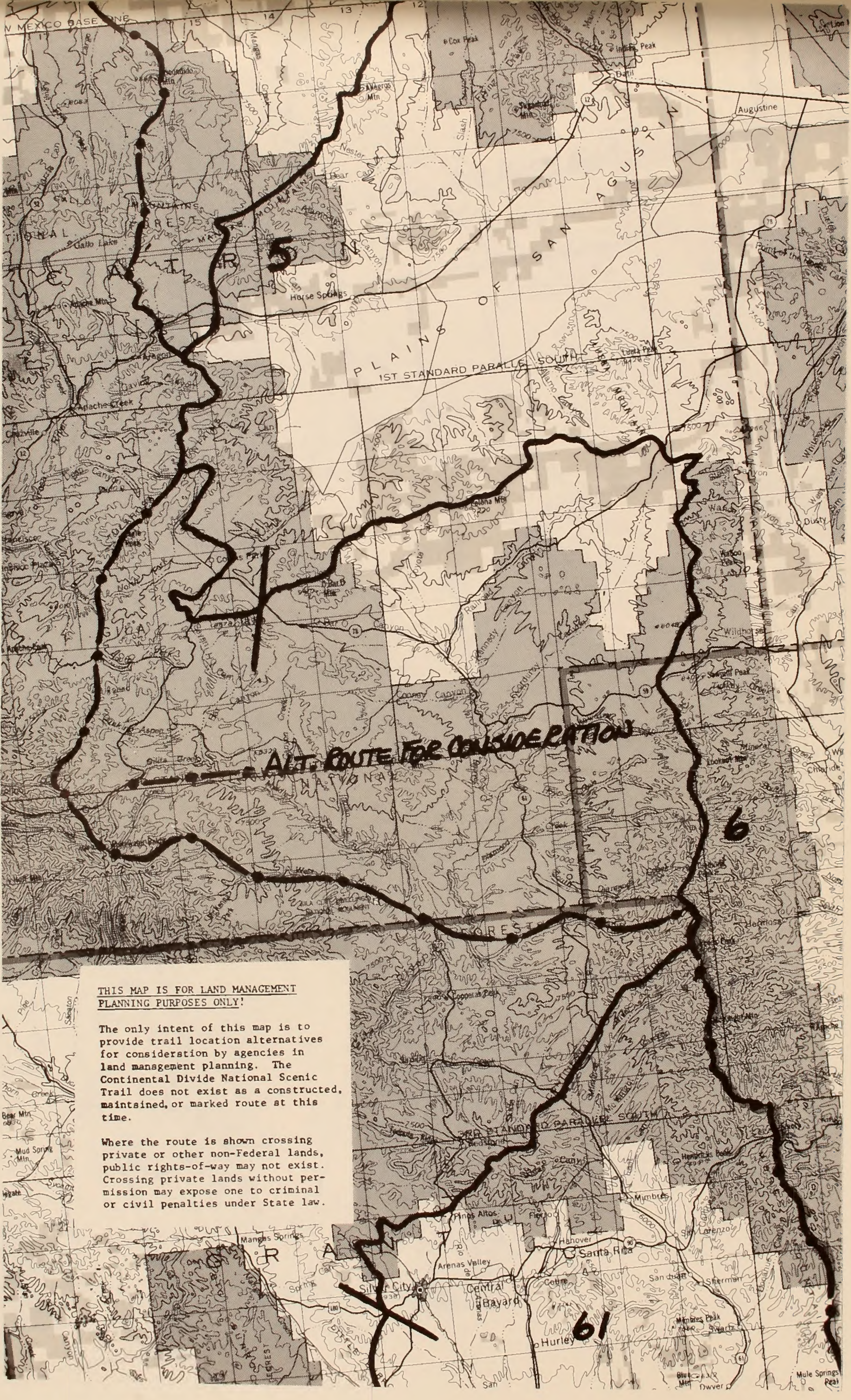

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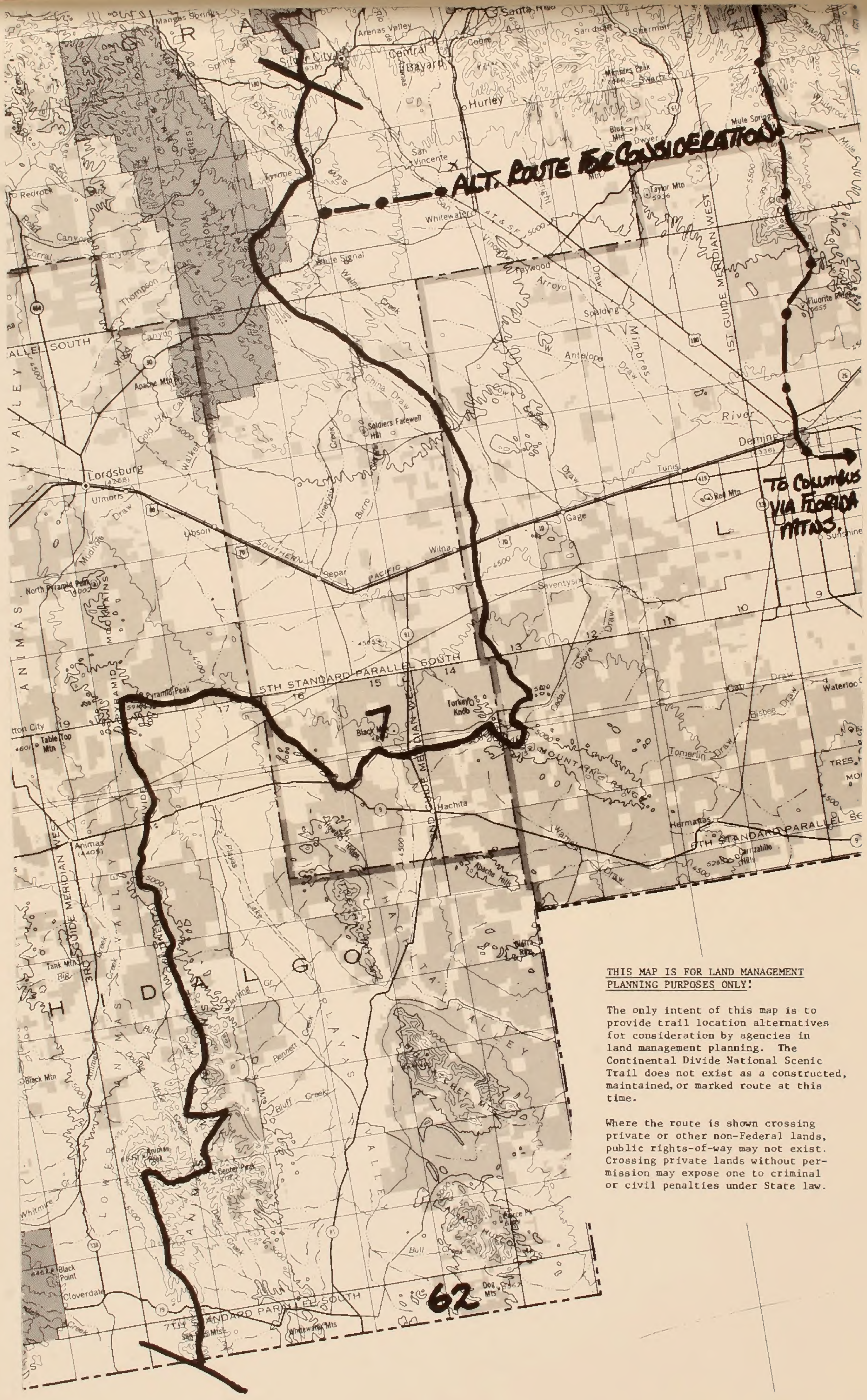

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Appendix F

Summary of Limited Liability Statutes by State

APPENDIX F

Summary of Limited Liability Statutes by State Along The Continental Divide National Scenic Trail Corridor

Montana

The Montana Code Annotated for 1975 provides:

Gratuitous Licensee for Recreation

70-16-301. Recreational purposes defined. "Recreational purposes", as used herein, shall include hunting, fishing, swimming, boating, water skiing, camping, picnicking, pleasure driving, winter sports, hiking, or other pleasure expeditions.

History: En. Sec. 2, Ch. 138, L. 1965; R.C.M. 1947, 67-809.

70-16-302. Restriction on liability to licensee. A landowner or tenant who permits, by act or implication, any person to enter upon any property in the possession or under the control of such landowner or tenant for any recreational purpose without accepting a valuable consideration therefor does not by granting such permission extend any assurance that such property is safe for any purpose or confer upon such a person the status of invitee or licensee to whom any duty of care is owed, and such landowner or tenant shall not be liable to such person for any injury to person or property resulting from any act or omission of such landowner or tenant unless such act or omission constitutes willful or wanton misconduct.

History: En. Sec. 1, Ch. 138, L. 1965; R.C.M. 1947, 67-808.

Idaho

The Idaho Code provides:

36-1604. Limitation of liability of landowner. — (a) Statement of Purpose. The purpose of this section is to encourage owners of land to make land and water areas available to the public without charge for recreational purposes by limiting their liability toward persons entering thereon for such purposes.

(b) Definitions. As used in this section:

1. "Land" means private or public land. roads, trails, water, watercourses, private or public ways and buildings, structures, and machinery or equipment when attached to or used on the realty.

2. "Owner" means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises.

3. "Recreational Purposes" includes, but is not limited to, any of the following or any combination thereof: hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, animal riding, motorcycling, snowmobiling, recreational vehicles, winter sports, and viewing or enjoying historical, archeological, scenic, or scientific sites, when done without charge of the owner.

(c) Owner Exempt from Warning. An owner of land owes no duty of care to keep the premises safe for entry by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes.

(d) Owner Assumes No Liability. An owner of land or equipment who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes does not thereby:

1. Extend any assurance that the premises are safe for any purpose.

2. Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed.

3. Assume responsibility for or incur liability for any injury to person or property caused by an act of omission of such persons.

(e) Provisions Apply to Leased Public Land. Unless otherwise agreed in writing, the provisions of this section shall be deemed applicable to the duties and liability of an owner of land leased to the state or any subdivision thereof for recreational purposes.

(f) Owner Not Required to Keep Land Safe. Nothing in this section shall be construed to:

1. Create a duty of care or ground of liability for injury to persons or property.

2. Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this section to exercise care in his use of such land and in his activities thereon, or from legal consequences or failure to employ such care.

3. Apply to any person or persons who for compensation permits the land to be used for recreational purposes.

(g) User Liable for Damages. Any person using the land of another for recreational purposes, with or without permission, shall be liable for any damage to property, livestock or crops which he may cause while on said property. [I.C., § 36-1604, as added by 1976, ch. 95, § 2, p. 315; am. 1980, ch. 161, § 1, p. 349.]

Cited in: State ex rel. Haman v. Fox, — Idaho —, 594 P.2d 1093 (1979).

The Wyoming Statutes Annotated (1977), as amended, provide:

§ 34-19-101. Definitions.

(a) As used in this act [§§ 34-19-101 to 34-19-106]:

(i) "Land" means land, roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the realty;

(ii) "Owner" means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises;

(iii) "Recreational purpose" includes, but is not limited to, any of the following, or any combination thereof: hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites;

(iv) "Charge" means the admission price or fee asked in return for invitation or permission to enter or go upon the land. (Laws 1965, ch. 9, § 1.)

§ 34-19-102. Landowner's duty of care or duty to give warnings.

Except as specifically recognized by or provided in section 5 of this act [§ 34-19-105], an owner of land owes no duty of care to keep the premises safe for entry or use by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes. (Laws 1965, ch. 9, § 2.)

§ 34-19-103. Limitations on landowner's liability.

(a) Except as specifically recognized by or provided in section 5 of this act [§ 34-19-105], an owner of land who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes does not thereby:

(i) Extend any assurance that the premises are safe for any purpose;

(ii) Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed;

(iii) Assume responsibility for or incur liability for any injury to person or property caused by an act of omission of such persons. (Laws 1965, ch. 9, § 3.)

§ 34-19-104. Application to land leased to state or political subdivision thereof.

Unless otherwise agreed in writing, the provisions of sections 2 and 3 of this act [§§ 34-19-102 and 34-19-103] shall be deemed applicable to the duties and liability of an owner of land leased to the state or any subdivision thereof for recreational purposes. (Laws 1965, ch. 9, § 4.)

§ 34-19-105. When landowner's liability not limited.

(a) Nothing in this act [§§ 34-19-101 to 34-19-106] limits in any way any liability which otherwise exists:

(i) Failure To Warn Against Dangerous Condition. — For willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity;

(ii) Where Landowner Charges For Entry. — For injury suffered in any case where the owner of land charges the person or persons who enter or go on the land for the recreational use thereof, except that in the case of land leased to the state or a subdivision thereof, any consideration received by the owner for such lease shall not be deemed a charge within the meaning of this section. (Laws 1965, ch. 9, § 5.)

§ 34-19-106. Duty of care, etc., not created; duty of care of persons using land.

(a) Nothing in this act [§§ 34-19-101 to 34-19-106] shall be construed to:

(i) Create a duty of care or ground of liability for injury to persons or property;

(ii) Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this act to exercise care in his use of such land and in his activities thereon, or from the legal consequences of failure to employ such care. (Laws 1965, ch. 9, § 6.)

Colorado

The 1973 Colorado Revised Statutes provide:

ARTICLE 41

Privately Owned Recreational Area - Liability

33-41-101. Legislative declaration.
33-41-102. Definitions.
33-41-103. Limitation on landowner's liability.
33-41-104. When liability is not limited.
33-41-105. Article not to create liability or relieve obligation.

33-41-101. Legislative declaration. The purpose of this article is to encourage owners of land within rural areas to make land and water areas available for recreational purposes by limiting their liability toward persons entering thereon for such purposes.

Source: R & RE. L. 69, p. 411, § 1: C.R.S. 1963, § 62-4-1.

33-41-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Charge" means a consideration paid for entry upon or use of the land or any faclities thereon or adjacent thereto.

(2) "Land" also means roads, water, watercourses, private ways, and

Appendix G

Guidelines for Management Involving Grizzly Bears (Montana, Idaho, northern Wyoming Segments)

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